

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE
UNITED PROVINCES

OFFICIAL REPORT

VOLUME XX

FROM 15TH TO 20TH DECEMBER, 1924.



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LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Monday, the 15th December, 1924.

THE Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT:

The Hon'ble Mr. S. P. O'Donnell.
The Hon'ble Raja Sir Muhammad Ali
Muhammad Khan, Khan Bahadur.
The Hon'ble Lieut. Nawab Muhammad
Ahmad Sa'id Khan.
The Hon'ble Rai Rajeshwar Bali.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. A. O. Verrières.
Mr. C. E. D. Peters.
Mr. J. R. W. Bonnett.
Mr. S. H. Fremantle.
Mr. R. Barn.
Mr. W. S. Cassels.
Mr. O. M. King.
Mr. F. P. R. Chamber.
Mr. A. D. Ashdown.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad Wajaz Rasul Khan.
Raja Bahadur Brij Narayan Rai.
Mr. H. David.
Babu Khem Chand.
Pandit Govind Sahai Sharma.
Babu Narayan Prasad Arora.
Babu Saugam Lal.
Babu Mohan Lal Saksona.
Babu Damodar Das.
Rai Bahadur Lala Sita Ram.
Babu Bhagwati Sahai Bodar.
Thakur Manjit Singh Rathor.
Rai Jagdish Prasad Sahib.
Chaudhri Jaswant Singh.
Pandit Nanak Chand.
Lala Babu Lal.
Thakur Shih Narayan Singh.
Rai Amba Prasad Sahib.
Rai Bahadur Pandit Kharagjit Misra.
Lala Dhakan Lal.
Chaudhri Badan Singh.
Chaudhri Sardar Singh.
Thakur Sadho Singh.
Pandit Brijnandan Prasad Misra.
Pandit Jhanni Lal Pande.
Lieut. Raja Durga Narayan Singh.
Lieut. Raja Bahadur Hukm Tej Pratap
Singh.

Pandit Sri Krishna Dutt Bahwal.
Babu Parasidh Narayan Anand.
Pandit Yajna Narayan Upadhyay.
Babu Dip Narayan Roy.
Thakur Hanuman Singh.
Pandit Govind Ballabh Pant.
Pandit Hargovind Pant.
Mr. Mukund Lal.
Babu Ram Chandra Sinha.
Dr. Jaikaran Nath Misra.
Kunwar Rajendra Singh.
Rai Bahadur Thakur Mashal Singh.
Babu Sita Ram.
Babu Bindeshwari Prasad.
Kunwar Surendra Pratap Sahi.
Rai Bahadur Babu Shankar Dayal.
Dr. Muhammad Naim Ansari.
Dr. Muhammad Aslam Saifi.
Maulvi Zahur-ud-din.
Rao Abdul Hamid Khan.
Maulvi Shahab-ud-din.
Lieut. Nawab Jamshed Ali Khan.
Nawabzada Muhammad Wajaz Ali Khan.
Khan Bahadur Chaudhri Amir Hasan
Khan.
Maulvi Muhammad Obaid-ul-Rahman Khan.
Hafiz Hidayat Husain.
Mr. Masud-uz-Zaman.
Maulvi Abdul Hakim.
Dr. Shafiat Ahmad Khan.
Saïyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Masih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Mr. Ashiq Husain Mirza.
Khan Sahib Munshi Siddiq Ahmad.
Qazi Habib Ashraf.
Raja Saïyid Ahmad Ali Khan Alvi.
Khan Bahadur Chaudhri Muhammad
Rashid-ud-din Ashraf.
Shaikh Abdus Samad Ansari.
Mr. St. George H. S. Jackson.
Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Shaikh Imtiaz Rasul Khan.
Raja Jagannath Baksh Singh.
Mr. Tracy Gavin Jones.
Rai Bahadur Babu Vikramajit Singh.
Dr. Ganesh Prasad.

MEMBERS SWORN :

Mr. O. M. King.

Mr. A. C. Verrières.

Mr. A. H. Mackenzie.

Mr. F. F. R. Channer.

Maulvi Muhammad Obaid-ul-Rahman Khan.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

SUPERINTENDENTS OF CENTRAL PRISONS.

*1. **Dr. Muhammad Naim Ansari :** (a) Is it a fact that two posts of Superintendents of Central Prisons were recently filled by the appointment of the I. M. D. officers, brought into the United Provinces from outside ? Were these posts so filled under directions from the Government of India, or did the Local Government ask for the services of the I. M. D. officers ? When was the sanction received ? Will the Government be pleased to lay the correspondence on the table ?

(b) Did these I. M. D. officers possess any previous experience of jail work and were they required to undergo any training before their appointment ? When did they arrive in the United Provinces and when did they actually assume charge and how were they employed in the meantime ?

(c) What is the sanctioned strength of I. M. S. officers in the Jail department ? Are the two posts occupied by I. M. D. officers in addition to the sanctioned I. M. S. strength ? If not, does the appointment of two I. M. D. Superintendents mean the reduction of the I. M. S. cadre ; if so, by how much ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) (1) Yes.

(2) The Government of India supplied two Indian Medical department officer as I. M. S. officers were not available.

(3) The Government of India made proposals for filling the vacancies on the 15th November, 1923. The proposals were accepted by the Local Government.

(4) The correspondence with the Government of India cannot be published.

(b) (1) One officer had served for 17 years in the Andaman Islands and the other was given three months' training.

(2) One officer arrived on the 11th January, 1924, and took over charge on the same date. The other arrived on the 28th December, 1923, and took over on the 28th March, 1924, being under training during the intervening period of three months.

(c) (1) One Inspector-General and five Superintendents.

(2) No.

(3) The appointments in question in no way affect the I. M. S. cadre.

*2. **Dr. Muhammad Naim Ansari :** Has any P. M. S. officer been ever appointed as Superintendent of any central jail ? If not, is it due to there being any bar to the appointment of a P. M. S. officer as Superintendent of a central jail ? If not, will the Government be pleased to consider the advisability of appointing P. M. S. officers as Superintendents of central jails at an early date, after necessary preliminary training if this be considered essential ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) No.

(2) and (3) In considering appointments to the non-listed posts Government are not able to give any undertaking, as the question would have to be considered in the light of the circumstances existing at the time of a vacancy occurring. The honourable member is also referred to the recommendations of the Indian Jails Committee.

*3. **Dr. Muhammad Naim Ansari :** Is it a fact that the executive and the medical charges of the Central Prison, Bareilly, are held by two officers ? Why are these two posts not combined in one as in the case of other central jails ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) Yes.

(2) The arrangement was made as no Indian Medical Service officer was available, and it was also desired to give effect experimentally to the recommendations of the Indian Jails Committee.

I. M. D. AND P. M. S. OFFICERS AS CIVIL SURGEONS.

*4. **Dr. Muhammad Naim Ansari :** How many I. M. D. and how many P. M. S. officers employed as Civil Surgeons hold qualifications registrable in the United Kingdom ?

The Hon'ble Rai Rajeshwar Bali : Three I. M. D. and 24 P. M. S. officers (8 permanent and 16 officiating).

*5. **Dr. Muhammad Naim Ansari :** Will the Government be pleased to state the number of permanent civil surgeoncies for P. M. S. and I. M. D. officers respectively and the proportion each bears to the total strength of their respective services in the United Provinces ?

The Hon'ble Rai Rajeshwar Bali : No number of permanent civil surgeoncies is now fixed separately for P. M. S. and I. M. D. officers.

*6. **Dr. Muhammad Naim Ansari :** (a) Is it a fact that on the 1st April, 1924 eleven I. M. D. officers were employed as Civil Surgeons, including those on leave, whilst the number sanctioned for them is only ten ?

(b) Was any I. M. D. officer officiating as a Civil Surgeon on the above date ? How long had he been officiating and is he still officiating as such ? Is he over and above the sanctioned number for the I. M. D. ? Does he hold qualifications registrable in the United Kingdom ?

(c) During the period that this officer has been officiating have there been any reversions among the P. M. S. officers, and, if so, how many ?

The Hon'ble Rai Rajeshwar Bali : (a) The answer to the first part of the question is in the affirmative, but no number of civil surgeoncies is now definitely reserved for I. M. D. officers.

(b) One I. M. D. officer has been officiating as Civil Surgeon since the 9th May, 1919. Answer to the third part of the question does not

arise. He does not hold qualifications registrable in the United Kingdom.

(c) Yes; there have been eight reversions among officiating P. M. S. officers.

***7. Dr. Muhammad Naim Ansari:** In view of the assurances given to the Provincial Medical Service that the employment of the I. M. D. officers would become increasingly infrequent, will the Government be pleased to see that no I. M. D. officer is appointed as a Civil Surgeon under it, either officiating or permanent in future, unless he possesses the necessary qualifications entitling him for registration in the United Kingdom?

The Hon'ble Rai Rajeshwar Bali: It has already been decided that no I. M. D. officer will be appointed as a Civil Surgeon unless he possesses registrable qualifications, but this decision is without prejudice to the claims of those I. M. D. officers who, whether holding registrable qualifications or not, had officiated as Civil Surgeons prior to the date of this decision.

INDIAN LUNATICS.

***8. Dr. Muhammad Naim Ansari:** (a) Is it a fact that suspected Indian lunatics are kept in jail while under observation?

(b) Is it also a fact that in Lucknow Europeans and Anglo-Indians suspected to be insane are kept under observation at the Balrampur Hospital in the European wards, and the hospital charges are met by the Government?

(c) Will the Government consider the advisability of placing Indians, suspected of insanity, in hospital instead of in jail, and issue necessary orders to the officers concerned?

The Hon'ble Rai Rajeshwar Bali: (a) Yes, except in districts which contain a lunatic asylum.

(b) The reply to the first part of the question is in the affirmative. The hospital charges in the case of well-to-do patients are met by the patients themselves and in others by Government.

(c) The suggestion is being examined.

RECRUITMENT IN PROVINCIAL MEDICAL SERVICE.

***9. Dr. Muhammad Naim Ansari:** Will the Government be pleased to lay on the table a copy of the list of approved candidates for permanent recruitment in the Provincial Medical Service showing (a) serial number, (b) name of the candidate, (c) date of commission in I. M. S., (d) whether in temporary civil employment, (e) order of merit in final examination, (f) year of graduation from the medical college, whether passed in final examination or supplementary examination?

The Hon'ble Rai Rajeshwar Bali: A copy of the list is laid on the table.

List of approved candidates for permanent recruitment as P. M. S. officers in the United Provinces referred to in starred Question No. 9 for 15th December, 1924.

Serial no.	Name of candidate.	Date of Commission, in I. M. S.	Whether in temporary or civil employment,†	Order of merit in final examination.	Year of graduation from the Medical College.	Whether passed in final examination or supplementary examination.	Remarks.
1	D. C. Mazumdar	26-7-'18	Yes	12	1918	Final	
2	Jagannath Goyal	28-7-'18	Yes	16	1918	Do.	
3	Kirpa Shanker Dikshit	Nil	Yes	17	1918	Do.	
4	Ambika Prasad Bajpai	Not available...	Yes	21	1918	Do.	
5	Jagdish Chandra Gupta	25-1-'18	Yes	3	1917	Supplementary	
6	Khelat Chandra Bhatnagar*	1-11-'17	Yes	5	1917	..	
7	Peare Lal Dube	21-2-'18	Yes	17	1917	Supplementary	
8	Shiv Narain Goli	27-8-'18	No	2	1917	Final	
9	Brij Ratan Jain	8-7-'18	Yes	14	1917	Supplementary	
10	Krishna Das Mukharji	4-6-'18	Yes	1	1918	Final	
11	Gokul Narayan Vyas	19-9-'18	Yes	23	1918	Do.	
12	Ganga Charan Garg	Nil	Yes	5	1918	Do.	
13	Sampat Ram Chaturvedi	Nil	Yes	18	1918	Do.	
14	P. C. Kacker	Nil	Yes	1	1918	Supplementary	
15	O. P. Goswami	18-11-'19	Yes	1	1919	Final	
16	Anand Swarup	Nil	Yes	2	1919	Do.	
17	Sukh Dayal	13-11-'19	Yes	3	1919	Do.	
18	Nand Lal Varma	11-11-'19	Yes	9	1919	Do.	
19	Bankim Behari Das	27-12-'19	Yes	11	1919	Do.	
20	Raghubans Kishore Tandon	15-9-'19	No	5	1919	Do.	
21	Sheo Shanker Gupta	13-11-'19	Yes	12	1919	Do.	
22	O. K. C. Misra	18-9-'19	Yes	7	1919	Do.	
23	Baikunth Nath Sharma	23-10-'19	Yes	9	1919	Do.	
24	Gauri Shanker Bhargava	15-11-'19	No	4	1918	Supplementary	
25	Kashi Prasad Bhatnagar	22-11-'19	Yes	6	1918	Ditto	
26	N. K. Biswas	5-11-'19	Yes	7	1918	Ditto	
27	R. O. Banerji	7-11-'19	Yes	2	1919	Ditto	
28	Kali Prasad Sinha	Not available	No	4	1919	Ditto	
29	Suresh Prasad Srivastava	5-1-'20	No	1	1920	Final	
30	Shanker Lal Gupta	Not available...	No	1	1916	Do.	
31	Chitrnaji Lal	Nil	..	13	1916	Do.	

* He is an M. B. of the Calcutta Medical College and graduated in 1917.

† Before proceeding on military duty.

***10. Dr. Muhammad Naim Ansari:** (a) Will the Government be pleased to state if there are any candidates on the approved list who did not qualify from the Medical College, Lucknow?

(b) If so, why they have been given preference over the candidates who qualified from Medical College, Lucknow?

(c) Is it a fact that an outside candidate was put on the list over others because he was in the temporary employment of the Government during the war time and had volunteered for military service?

(d) If so, are there any other persons who were in the temporary civil employment of this Government during war time and had also volunteered for military service and whose names do not appear on the list of the candidates for permanent recruitment in the Provincial Medical Service?

The Hon'ble Rai Rajeshwar Bali: (a) Yes, one Dr. K. C. Bhattacharji.

(b) Dr. K. C. Bhattacharji is a resident of these provinces. He was educated in the Muir Central College, Allahabad, but did not qualify in the King George's Medical College, Lucknow, as it was not in existence in 1908, when he joined the Medical College, Calcutta. Since he volunteered on the 30th October, 1917, his name was placed among those who volunteered in 1917.

(c) Yes.

(d) Yes, there are such persons, but as they did not belong to the United Provinces, their names were not entered on the list of approved candidates.

***11. Dr. Muhammad Naim Ansari:** Will the Government be pleased to state the special qualifications of this outside candidate?

The Hon'ble Rai Rajeshwar Bali: A reference is invited to the answer given to Question No. 10(b).

***12. Dr. Muhammad Naim Ansari:** (a) Will the Government be pleased to state on what principle the name of Dr. Sampat Ram Chaturvedi has been placed so high on the list?

(b) Why has Dr. C. P. Goswami been given preference over those who joined military service much earlier than him?

(c) Why has Dr. R. K. Tandon, who was not in the temporary employment of this Government, been given preference over those who were in the temporary civil employment before volunteering for military service?

(d) Why has Dr. C. K. O. Misra been superseded by Dr. S. S. Gupta when the latter joined the army some two months after Dr. Misra joined?

(e) Why has Dr. Anand Swarup without any war service superseded those of his batch who passed in 1919 and had rendered war service?

(f) Is it a fact that this was done because Dr. Anand Swarup stood first in his batch?

(g) If so, why was Dr. G. N. Vyas, who stood first in 1918 and passed with honours in the Final, not given the same preference over others who had military service in his batch of 1918?

The Hon'ble Rai Rajeshwar Bali: (a) Dr. Sampat Ram Chaturvedi stood fifth in the examination of 1918. Dr. S. N. Roy, who stood fourth, had died. Dr. Chaturvedi took his place and was placed among the candidates of that year.

(b) Since Dr. C. P. Goswami was already in temporary service when he volunteered, he was given preference over those who joined military service earlier than him.

(c) Dr. R. K. Tandon was not given preference over those who were in temporary service before volunteering for military service. All below Dr. Tandon joined temporary service after volunteering.

(d) The names are not arranged according to the dates of commission, but according to the dates of volunteering. As Dr. S. S. Gupta volunteered on the 27th May, 1919, his name is above Dr. C. K. C. Misra, who volunteered on the 30th May, 1919.

(e) Dr. Anand Swarup stood first in the examination of 1919, and was therefore given preference over the rest of the 1919 batch in accordance with rule 223 of the Medical Manual.

(f) Yes.

(g) Dr. G. N. Vyas was given similar treatment in his batch of 1918, with the exception of the first four names on the list, as these four had already been selected in 1920, the selection of the remainder being made after that date.

* 13. **Dr. Muhammad Naim Ansari:** (a) Is it a fact that generally those who passed in the supplementary final examination of any year have been put below those who passed in the following year final examination?

(b) If so, why has Dr. C. P. Goswami, who passed in 1918 supplementary examination, been allowed to supersede those who passed in 1919 final examination?

* **The Hon'ble Rai Rajeshwar Bali:** (a) No.

(b) This does not arise.

MR. R. H. MOODY AS ASSISTANT DIRECTOR OF PUBLIC INSTRUCTION.

* 14. **Rai Jagdish Prasad Sahib:** (a) Will the Government be pleased to state why Mr. R. H. Moody, Principal, Government Intermediate College, Allahabad, has been selected to officiate for Mr. Harrop as Assistant Director of Public Instruction in preference to the post being filled up by one of the Inspectors of Schools?

(b) Why has an Indian officer not been selected?

The Hon'ble Rai Rajeshwar Bali: The honourable member is referred to the answer given to starred Question No. 118 on 10th September, 1924.

(Starred Question No. 118, asked on 10th September, 1924, and the reply given thereto.)

Question.—Will the Government be pleased to state why it has failed to appoint an Indian to the post of the Assistant Director of Education and why it has found it necessary to import an officer from the teaching line to fill the vacancy and not from the inspecting line?

Reply.—In making the appointment Government selected the officer whom they considered to be most fitted for the post.

UNCONTROLLED FLOW OF GANGES WATER.

* 16. **Rai Bahadur Babu Vikramajit Singh** : Will the Government be pleased to state if it approved of a scheme to allow an uncontrolled flow of water at all seasons in the year in the holy Ganges and published it in the Government Gazette?

The Hon'ble Mr. S. P. O'Donnell : Yes.

* 17. **Rai Bahadur Babu Vikramajit Singh** : (a) Has the Government taken any steps towards the furtherance of the above scheme?

(b) If so, what steps have been taken?

(c) If the answer be in the negative, will the Government be pleased to state why no steps have been taken?

The Hon'ble Mr. S. P. O'Donnell : (a) Yes.

(b) The grooves of the fish ladder have been entirely closed and the cross walls removed so as to allow a free unfettered flow of at least 80 cusecs throughout the year.

* 18. **Rai Bahadur Babu Vikramajit Singh** : When does the Government intend to give full effect to the above scheme?

The Hon'ble Mr. S. P. O'Donnell : Full effect has been given since the 2nd June, 1924.

SECRETARY, MUNICIPAL BOARD, HATHRAS.

* 19. **Rai Bahadur Lala Sita Ram** : Will the Government be pleased to state whether a memorial signed by a large number of the citizens of Hathras was submitted to the Commissioner regarding the appointment of a secretary by the Hathras municipal board?

The Hon'ble Rai Rajeshwar Bali : Yes.

* 20. **Rai Bahadur Lala Sita Ram** : (i) Will the Government be pleased to state whether the Commissioner made any inquiries as to the allegations made against the secretary in the memorial before according his approval to the appointment? If so, what was the nature of the inquiries?

(ii) Was any inquiry made from the then District Magistrate of Etah?

The Hon'ble Rai Rajeshwar Bali : Yes, inquiries were made by the Commissioner from the Chairman, Municipal Board, Kasganj, who was also the District Magistrate of Etah regarding the length of service and the work of Babu Janki Prasad.

INTERPRETATION OF RULE 22 OF THE MUNICIPAL ELECTION RULES.

* 21. **Rai Bahadur Lala Sita Ram** : (i) Is the Government aware of the decision of the District Magistrate, Aligarh, dated the 7th June, 1924, in Hakeem Jiwan Lal and others *versus* Lala Asharfi Lal and others in interpreting rule 22 of the municipal election rules printed at page 196 of the Municipal Manual (1907 edition)?

(ii) Does Government approve of that decision?

(iii) If so, will the Government be pleased to modify the said rules so as to make the intentions of Government quite clear and modify the form given at page 204 of the said Municipal Manual accordingly?

The Hon'ble Rai Rajeshwar Bali : (i) Yes.

(ii) The Government prefer to express no opinion.

(iii) The matter is being examined.

PARTICIPATION OF MUNICIPAL OFFICIALS IN ELECTIONS.

* 22. **Rai Bahadur Lala Sita Ram** (i) Has the attention of Government been drawn to the opinion expressed by the Election Commissioners in the case of Babu Chhail Bihari Kapoor *versus* Thakur Moti Singh with regard to the participation of municipal chairmen in elections to the Legislative Council?

(ii) Does Government approve of it?

(iii) If so, will they be pleased to issue definite instructions on the point?

The Hon'ble Mr. S. P. O'Donnell : The Government are in complete agreement with the principles enunciated by the Commissioners on the subject of the participation of municipal officials in elections to the Legislative Council. In view, however, of the provisions of the Electoral Rules in regard to undue influence, the Government do not consider that any further rules are required.

ABOLITION OF DISTRICTS AND TAHSILS.

* 23. **Rai Bahadur Lala Sita Ram :** What districts and tahsils recommended for abolition by the Economy Committee have Government decided not to abolish and which districts and tahsils (if any) are going to be abolished?

The Hon'ble Mr. S. P. O'Donnell : Government have decided not to abolish any districts. Sanction has been accorded by Government to the abolition of the Mahaban tahsil in the Muttra district. The proposals for the abolition of tahsils Budhana, Iglas, Kirakat, Sardhana, Kiraoli, Firozabad, Sirathu, Haidargarh, Sagri, Karhal, Malihabad and Nawabganj have been rejected. The cases of other tahsils recommended for abolition by the Economy Committee are still under consideration.

TREATMENT OF CERTAIN CONVICTS IN THE BOLSHEVIK CONSPIRACY CASE.

* 24. **Pandit Sri Krishna Dutt Paliwal :** Is it a fact that Muzaffar Ahmad, S. A. Dange, Nalini Bhushan Das Gupta and Shaikat Usmani of the Bolshevik conspiracy case were treated as special division prisoners while in Cawnpore jail, but are now treated as ordinary prisoners?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : They were accorded special treatment until the orders of Government were received. They are now being treated as ordinary prisoners.

* 25. **Pandit Sri Krishna Dutt Paliwal :** If the answer to the above be in the affirmative, will the Government be pleased to state the reasons why?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to the answer given to starred Question No. 147 for the 10th September, 1924.

(Copy of question and answer referred to in reply to starred Question No. 25 for the 15th December, 1924.)

QUESTION No. 147.

Are the prisoners in the aforesaid case receiving special treatment ? If not, will it state the reasons for not doing so ?

ANSWER.

No, because the conditions entitling convicts to special treatment were not fulfilled.

SCHEME FOR FREE FLOW OF GANGES WATER FROM NARORA.

*26. **Pandit Sri Krishna Dutt Paliwal :** Has the Government given effect to the scheme of Mr. Jwala Prasad, Superintending Engineer, about the free flow of Ganges water from Narora accepted by it in its resolution published in the *United Provinces Gazette* of 25th August, 1923 ? If so, when ? If not, why not ? When will the Government be pleased to give effect to that scheme ?

The Hon'ble Mr. S. P. O'Donnell : Government has given effect to the scheme of Mr. Jwala Prasad, Superintending Engineer, as described in the resolution published in the *United Provinces Government Gazette* of the 25th August, 1923. Effect was given on 2nd June, 1924.

REPRESENTATION OF THE CAWNPORE MUNICIPALITY ON THE OUDH AND ROHILKHAND RAILWAY ADVISORY BOARD.

* 27. **Pandit Sri Krishna Dutt Paliwal :** What decision, if any, has the Government given in the dispute about the representation of the Cawnpore municipal board on the O. and R. Railway Advisory Board ?

The Hon'ble Mr. S. P. O'Donnell : None : as the suit filed with the object of obtaining an injunction against the chairman of the municipal board of Cawnpore was withdrawn. In order to prevent similar disputes the Government have decided that the chairman alone should represent the municipal board of Cawnpore on the Advisory Committee of the East Indian Railway.

INDUSTRIAL SCHOOL, MORADABAD.

*28. **Maulvi Zahur-ud-din :** Will the Government be pleased to state what progress the Moradabad Industrial school has made ?

Whether the Government propose to make it a permanent institution ?

How much money does the Government spend on it ?

Will the Government be pleased to enhance its grant ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The answer to the first part of the question is in the affirmative.

As regards the second and third parts, the institution is an aided one and Government propose to give it a grant-in-aid next year. This year a grant of a thousand rupees was given to the institution by the Board of Industries.

As regards the last part of the question, it is premature to consider the question of increasing the grant.

REFUSAL OF LICENCE TO MR. ABDUS SALAM.

***29. Maulvi Zahur-ud-din :** Is it a fact that Mr. Abdus Salam, a respectable citizen of Moradabad and member of the municipal board, has been refused a licence for a gun ?

Is it a fact that his participation in the Congress activities was the real cause of such refusal ? If not, what else ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is a fact that Mr. Abdus Salam, a member of the Moradabad municipal board, was refused a licence in December, 1923.

The District Magistrate in the exercise of the discretion vested in him by rule refused to grant this arms licence. Since his order was passed, rules have been introduced providing for appeal in cases of refusal. If a further application from Mr. Abdus Salam is rejected, the order will be appealable. The Governor in Council is not aware of Mr. Abdus Salam's Congress activities.

RENEWAL OF LICENCES FOR MOTOR LORRIES AT SHAHJAHANPUR.

*** 30. Maulvi Zahur-ud-din :** Is it a fact that in Shahjahanpur district passengers to and from Pawayan and Jalalabad used to travel by motor lorries ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

*** 31. Maulvi Zahur-ud-din :** Is it a fact that three lorries owned by Ashraf Khan, Sakhawat Ali Khan and Israr Khan respectively used to ply on hire on the two lines between these two stations and Shahjahanpur ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Ashraf Khan has a lorry which plies for hire. The other men named have no lorries and there is no information whether at any time they have plied lorries for hire or not.

***32. Maulvi Zahur-ud-din :** Has the renewal of licences of the first two owners been refused this year, and is that of the third also going to be refused ? If so, will the Government disclose the reasons and the provisions of law under which this step is taken ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : There has been no refusal to renew the licences.

The second part of the question therefore does not arise.

***33. Maulvi Zahur-ud-din :** Is it a fact that the local authorities have reached an understanding by which the two lines of traffic have been allotted to Messrs. Murari, Kailashi and Shafiq Khan respectively ? If so, under what law and with what object is the monopoly created ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : In response to complaints from the public about the irregularity of the lorry service and the arbitrariness of fares charged, the district authority, constituted under rule 24 of the United Provinces Motor Vehicles Rules, 1924, passed a resolution advising owners of lorries to amalgamate into two separate companies—one under Lala Rup Kishore and the other under M. Muhammad Shafiq Khan.

*34. **Maulvi Zahur-ud-din**: Were Messrs. Ashraf Khan, Sakhawat Ali Khan and Israr Khan consulted before such understanding was reached or before any such orders were passed?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No; but a copy of the resolution of the committee was sent to the owners of all lorries in order that they should be given an opportunity of putting in their objections to it.

*35. **Maulvi Zahur-ud-din**: Will the local authorities allow free competition on any or each of those lines to any other competitor? If so, under what legal conditions?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The District Magistrate is being asked to allow the lorries of all firms to run on all the lines, provided they conform with the provisions of the Indian Motor Vehicles Act, 1914, and the United Provinces Motor Vehicles Rules, 1924.

*36. **Maulvi Zahur-ud-din**: Is it a fact that formerly a tax was imposed on these lorries? Did Messrs. Murari and Kailashi pay any tax last year before the taxation was cancelled?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer to both parts of this question is in the affirmative.

*37. **Maulvi Zahur-ud-din**: Is it a fact that Mr. Kailashi is the secretary of district board of Shahjahanpur?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

TAZIADARS OF TILHAR.

*38. **Maulvi Zahur-ud-din**: (a) Is it a fact that the *taziadars* of Tilhar, district Shahjahanpur, have refrained from taking out their *mehdis* and *tazias* on the 9th and 10th of *Muharram* for fear of a riot?

(b) Have the Musalmans of that place held a mass meeting to express their grievances?

(c) Does the Government intend to take steps in the matter?

The Hon'ble Mr. S. P. O'Donnell: (a) Yes, but not for fear of a riot. For further information the honourable member is referred to unstarred Question No. 2 for tomorrow, the answer to which is reproduced here.

(b) Yes.

(c) The District Magistrate is exerting every effort to effect a settlement.

(Unstarred Question No. 2 with answer for the 16th December, 1924.)

Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan: If the reply to the foregoing question is in the affirmative, will Government be pleased to state the circumstances that led the Moslems to abandon their processions?

Mr. G. B. Lambert: A dispute arose over the blowing of conchs during the *Muharram*. The Muhammadans demanded total prohibition during the first ten days of the month. As this was unreasonable, the

Hindus were forbidden to blow conchs until the processions were well clear of the mosques. The Muhammadans thereupon abandoned their processions by way of protest.

INTER-CLASS WAITING-ROOM AT DEHRA DUN.

***39. Thakur Manjit Singh Rathor :** Is the Government aware that in the railway station at Dehra Dun there is no waiting-room accommodation for the inter-class passengers ?

The Hon'ble Mr. S. P. O'Donnell : Yes.

***40. Thakur Manjit Singh Rathor :** Will the Government be good enough to draw the attention of the Railway authorities to the desirability of taking early steps to arrange for waiting-room accommodation at that station for inter-class passengers, specially ladies ?

The Hon'ble Mr. S. P. O'Donnell : It is proposed to provide an intermediate class waiting-room for ladies during the year 1925-26.

SLAUGHTER OF CATTLE.

***46. Rai Bahadur Babu Shankar Dayal :** Will the Government be pleased to state whether, with reference to the answer to my starred Question No. 8 given in the last session of the Council, the Government have arrived at any final decision regarding restriction on the slaughter of certain kinds of cattle, and if so, what ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The answer is in the negative.

RECOMMENDATIONS OF THE CATTLE-BREEDING COMMITTEE.

***47. Rai Bahadur Babu Shankar Dayal :** Will the Government be pleased to lay on the table a copy of the recommendation made by the Committee of the Cattle-breeding Operations, United Provinces, regarding restriction of slaughter of cattle and provision of pasture-lands, and what steps, if any, the Government have taken or propose to take to give effect to the aforesaid recommendation ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Copies of different resolutions passed by the Committee are placed upon the honourable member's table.

As regards the second part of the question, the honourable member is referred to the reply given to Question No. 46, which I have just answered.

As regards the third part of the question, Government are waiting for reports which have been called for from cattle inspectors about the amount of grazing available in districts.

BOARD OF SANSKRIT STUDIES, UNITED PROVINCES.

*** 48. Rai Bahadur Babu Shankar Dayal :** Will the Government be pleased to give the names of the present members constituting the Board of Sanskrit Studies, United Provinces ?

The Hon'ble Rai Rajeshwar Bali : A list is laid on the table of the honourable member.

*** 49. Rai Bahadur Babu Shankar Dayal :** Is it a fact that all the members of the present Board of Sanskrit Studies are nominees of Dr. Ganga Nath Jha ?

The Hon'ble Rai Rajeshwar Bali : No.

* 50. **Rai Bahadur Babu Shankar Dayal :** Is it a fact that about 50 per cent. of the members of the said Board belong to the Sanskrit College, Benares?

The Hon'ble Rai Rajeshwar Bali : Yes.

* 51. **Rai Bahadur Babu Shankar Dayal :** Will the Government be pleased to increase the number of the members of the Board of Sanskrit Studies, United Provinces, so as to ensure that the Board will have a non-official majority?

The Hon'ble Rai Rajeshwar Bali : No.

RULES ON THE BASIS OF PRINCIPLES LAID DOWN IN THE BAREILLY ELECTION CASE.

* 52. **Babu Bhagwati Sahai Bedar :** Is the Government going to frame any rules on the basis of the principles laid down by the Election Commissioners in the Bareilly election case? If so, will the Government publish drafts of the rules in the Gazette?

The Hon'ble Mr. S. P. O'Donnell : The Government are in complete agreement with the principles enunciated by the Commissioners on the subject of the participation of municipal officials in elections to the Legislative Council. In view, however, of the provisions of the Electoral Rules in regard to undue influence, the Government do not consider that any further rules are required.

Janma Astami puja IN POLICE LINES, SHAHJAHANPUR.

* 53. **Babu Bhagwati Sahai Bedar :** Is it a fact that the Hindu constables in the Shahjahanpur police lines were not allowed to perform *puja* on *Shri Krishna Janma Astami* day with *sankh* and *gharial*?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

DEPRESSED CLASSES.

* 54. **Babu Khem Chand :** Will the Government be pleased to state to what Hindu castes does the Government apply the words "depressed classes"? Will the Government be also pleased to state the population of each of such castes?

The Hon'ble Mr. S. P. O'Donnell : The Government has never attempted to define the term and is not prepared to do so now.

* 55. **Babu Khem Chand :** Will the Government be pleased to state the number of male and female children of the depressed classes in primary schools in 1923?

The Hon'ble Rai Rajeshwar Bali :

Boys	..	..	..	..	..	22,943
Girls	..	..	..	..	..	38

* 56. **Babu Khem Chand :** Will the Government be pleased to take special measures to increase the number of children of the depressed classes in primary schools as it did in the case of Muhammadans eight years ago and is still doing?

The Hon'ble Rai Rajeshwar Bali : The honourable member is referred to page 39 of the general report on Public Instruction for the year ending the 31st March, 1923.

* 57. **Babu Khem Chand :** Will the Government be pleased to state the number of scholars of the depressed classes receiving higher education, i.e., above the Matriculation standard in 1923 ?

The Hon'ble Rai Rajeshwar Bali : Thirty-four.

* 58. **Babu Khem Chand :** Will the Government be pleased to state the number of scholars of the depressed classes in secondary schools in 1923 ?

The Hon'ble Rai Rajeshwar Bali : The number in secondary schools (above class IV) is 1,375.

* 59. **Babu Khem Chand :** Will the Government be pleased to state the number of men of the depressed classes serving in these provinces in the Indian Civil Service, other Indian services, various Provincial services and subordinate services ?

The Hon'ble Mr. S. P. O'Donnell : If the honourable member will specify the castes to which he refers, the information will be, so far as possible, collected.

* 60. **Babu Khem Chand :** Will the Government be pleased to state the names, caste and religion of members who have been nominated by the Government to represent depressed classes on the district boards of these provinces, except of Agra where I am myself a member ?

The Hon'ble Rai Rajeshwar Bali : The statement asked for is laid on the honourable member's table.

Names of members nominated by Government to represent the depressed classes on the district boards of the United Provinces (except Agra) referred to in the reply to starred Question No. 60 for the 15th December, 1924.

District.	Name of nominated members representing depressed classes.	Caste	Religion.	Remarks.
<i>Province of Agra.</i>				
Dehra Dun ..	Mansa Ram ..	Gadaria ..	Hindu.	
Saharanpur ..	Chaudhari Mangut Singh.	Dhiman (carpenter).	Do.	
Muzaffarnagar ..	Babu Akhoychandra Battacharji.	..	Christian.	
Meerut ..	Chaudhari Het Ram ..	Kahar ..	Hindu.	
Bulandshahr ..	Dauji ..	Chamar ..	Do.	
Aligarh ..	Keran Singh ..	Lodha ..	Do.	
Muttra ..	Chaudhri Dal Chand ..	Chamar ..	Do.	
Agra ..	..	..	..
Mainpuri ..	Chaudhri Jiwan Ram ..	Chamar ..	Hindu.	
Etah ..	Chaudhri Kham Chand ..	Do. ..	Do.	
Bareilly ..	Ramat Jaiswal ..	Do. ..	Do.	
Bijnor ..	Mangal ..	Do. ..	Do.	
Budaun ..	Net Ram ..	Teli ..	Do.	

District.	Name of nominated members representing depressed classes.	Caste.	Religion.	Remarks.
Moradabad ..	Jiwa Ram, B.A., LL.B. ..	Baghwan ..	Hindu.	
Shahjahanpur ..	Umrai Lal ..	Kachi ..	Do.	
Pilibhit ..	Mangal Sen ..	Mochi ..	Do.	
Farrukhabad ..	Babu Keshri Lal Raidas ..	Chamar ..	Vedri	
Etawah ..	Chaudhri Gyan Singh ..	Ahir ..	Hindu.	
Cawnpore ..	Babu Ghasitey Lal ..	Chamar ..	Do.	
Fatehpur ..	Babu Mullu Ram ..	Do. ..	Do.	
Allahabad ..	Babu Nand Kishore ..	Pasi ..	Do.	
Banda ..	Lala Baldeo ..	Kumhar ..	Do.	
Hamirpur ..	Lala Lallu ..	Teli ..	Do.	
Jhansi ..	Lala Ganesh ..	Kumhar ..	Do.	
Jalaun ..	Lala Ram Charan ..	Teli ..	Do.	
Benares ..	Revd. J. C. Jackson ..	..	Christian.	
Mirzapur ..	..	..	..
Jaunpur ..	Ram Charan ..	Lunia ..	Hindu.	
Ghazipur ..	Babu Sheo Nath ..	Koori ..	Do.	
Ballia ..	Lala Sita Ram ..	Teli ..	Do.	
Gorakhpur ..	Chaudhri Baldeo ..	Kalwar ..	Do.	
Basti ..	Prasad.	..	..
Rev. Tafazzul Haq ..	..	..	Christian.	
Azamgarh ..	Dwarka Nath Chaudhri ..	Mallah ..	Hindu.	
Naini Tal ..	Munshi Baohi Rai ..	Shilpkar ..	Vedri.	
Almora ..	M. Hari ..	Samla ..	Hindu.	
Garhwal ..	Rev. J. B. Thompson ..	..	Christian.	
Lucknow ..	R. B. Behari Lal ..	Kurmi ..	Hindu.	
Onao ..	Babu Hari Shanker ..	Lodh ..	Do.	
Rae Bareilly ..	Sheo Lal ..	Chamar ..	Do.	
Sitapur ..	Lala Mata Prasad ..	Teli ..	Do.	
Hardoi ..	Pitun ..	Chamar ..	Do.	
Kheri ..	Nita Ram Sahib ..	Do. ..	Do.	
Fyzabad ..	Revd. A. Sanderson ..	..	Christian.	
Gonda ..	Bhagwan Das ..	Lodh ..	Hindu.	
Bahraich ..	Cheda Lal ..	Ahir ..	Do.	
Sultanpur ..	Mr. G. Kenyar ..	..	Christian.	
Partabgarh ..	Baij Nath ..	Teli ..	Hindu.	
Bara Banki ..	Mr. S. R. Parker ..	..	Christian.	

COMPULSORY PRIMARY EDUCATION.

*61. **Dr. Shafa'at Ahmad Khan:** Is it a fact that the Allahabad municipal board have sent up a scheme for compulsory primary education to the Government?

The Hon'ble Rai Rajeshwar Bali: Certain proposals have been made by the board. Correspondence in regard to these is proceeding between the Director of Public Instruction and the municipal board.

*62. **Dr. Shafa'at Ahmad Khan:** Does the scheme contain features which the Government disapprove of?

The Hon'ble Rai Rajeshwar Bali: Does not arise.

*63. **Dr. Shafa'at Ahmad Khan:** If so, will the Government be pleased to state what those features are?

The Hon'ble Rai Rajeshwar Bali: Does not arise.

RESERVE INSPECTORS.

* 64. **Babu Mohan Lal Saksena** : Will the Government be pleased to state the total number of reserve inspectors in the province and how many of them are Indians ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Seventy-four, of whom five are Indians.

* 65. **Babu Mohan Lal Saksena** : (a) Are Indian reserve inspectors allowed to hold independent charge of Reserve lines ?

(b) If so, how many Indian reserve inspectors are holding such independent charge at present ?

(c) Will the Government be pleased to state if sub-inspectors of Reserved Civil Police are promoted to the posts of reserve inspectors ?

(d) If so, will the Government be pleased to state the total number of such sub-inspectors who have been promoted to the post of reserve inspectors during the last four years ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) Yes, as soon as they are qualified.

(b) One.

(c) Yes.

(d) One as a reserve inspector and four as divisional inspectors of railway police.

* 66. **Babu Mohan Lal Saksena** : Are there any fixed rules for the promotion of sub-inspectors of civil police to posts of reserve inspectors ?

If so, will the Government lay a copy of the same on the table ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The Government has recently accepted proposals made by the Inspector-General of Police laying down the lines on which sub-inspectors of the civil police may be promoted to the post of reserve inspector. Rules are being drawn up on the lines of these proposals.

POLICE SERGEANTS IN THE UNITED PROVINCES.

* 67. **Babu Mohan Lal Saksena** : Will the Government be pleased to state —

(a) the total number of sergeants in the United Provinces Police ;

(b) how are they appointed ;

(c) is there any educational test prescribed for them ; if so, what ;

(d) where are they trained ;

(e) what is their starting pay ;

(f) is their rank equal to that of a head constable ;

(g) are they promoted to posts of reserve inspectors direct ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) Forty-three at present, but three posts are being brought under reduction.

(b) By direct appointment.

(c) No; a certain standard of literacy in English is required, about that of the Junior Cambridge examination.

(d) Sergeants are now being trained at the Police Training School.

(e) Rupees 125 a month.

(f) The rank of sergeant is equivalent to that of sub-inspector.

(g) Sergeants are promoted to the rank of inspector direct, just as sub-inspectors are promoted to that rank.

* 68. **Babu Mohan Lal Saksena** : Have any Indians been appointed as sergeants up till now ?

If so, what is their total number at present ? If none has been appointed as yet, will the Government appoint them as early as possible and continue to appoint Indians only until their number becomes at least 50 per cent. of the total number ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the negative. The duties on which sergeants are employed require a European officer. Moreover, there is no necessity for appointing Indians to this rank as they are appointed to equivalent rank of sub-inspector, from which they can obtain promotion to the rank of inspector in all branches of the force : sergeants can only obtain promotion to the rank of inspector as reserve inspector.

HONORARY MAGISTRATES AND ASSISTANT COLLECTORS.

* 69. **Babu Mohan Lal Saksena** : Will the Government be pleased to lay on the table a copy of the instructions issued to the Commissioner regarding the appointment of and educational test for honorary magistrates and honorary assistant collectors ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : A copy of the orders recently passed in this connection is laid on the honourable member's table, which will also be found in the proceedings of the Council for 5th September, 1924. The principles there laid down apply also to the appointment of honorary assistant collectors.

* 70. **Babu Mohan Lal Saksena** : Will the Government be pleased to enunciate the policy which it has so far followed in the matter of appointments of honorary magistrates and honorary assistant collectors ? Whether the new appointments are made in consideration of the amount of work in the districts or in consideration of the loyalty and meritorious services of the persons so appointed ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The policy of Government in appointing honorary magistrates and honorary assistant collectors has been to associate with the stipendiary courts in the administration of law and justice private gentlemen who by their position, character or attainments command respect in the neighbourhood.

* 71. **Babu Mohan Lal Saksena** : Will the Government be pleased to state the total number of honorary magistrates and honorary assistant collectors in the United Provinces and also the number of those appointed during the last four years ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The numbers vary at frequent intervals owing to casualties and new appointments. Approximately the total number of honorary magistrates is 1,200 and of honorary assistant collectors 175. In each case rather more than half the number have been appointed during the last four years.

*** 72. Babu Mohan Lal Saksena :** Will the Government be pleased to stop these appointments for a period of at least three years?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

No. 2117/VI—1682.

FROM

L. S. WHITE, Esq., I.C.S., M.L.C.,

DEPUTY SECRETARY TO GOVERNMENT,

UNITED PROVINCES,

JUDICIAL (CRIMINAL) DEPARTMENT,

TO

ALL COMMISSIONERS OF DIVISIONS,

UNITED PROVINCES.

Dated Allahabad, the 25th May, 1923.

SIR,

I AM directed to address you on the subject of the selection of gentlemen for appointment as honorary magistrates. This is a matter which has received considerable attention recently in the Legislative Council, and on 13th December, 1922 a resolution, of which a copy is enclosed, was passed by the Council recommending an alteration in the present procedure. I am directed to invite your attention to the debate which took place on this resolution and also to that which took place on February 5th, 1923, on a further resolution on the same subject.

2. The essence of the system recommended in the resolution is that only those should be appointed who have passed a prescribed test or are otherwise educationally qualified to understand the laws of the land. The Governor in Council is unable to accept the recommendation that some definite test should be prescribed. Anything in the nature of an examination is altogether out of the question and it is not practicable to lay down any definite educational qualifications as a necessary condition of appointment. For it is probable that many gentlemen who are eminently suitable for appointment but have never passed any recognized examination would thereby be excluded. It is essential, however, that in selecting gentlemen for these appointments particular attention should be directed to their educational attainments. It is of first importance that they should be literate, not merely in the sense of being able to sign their names, but in a broader sense. They should be thoroughly able to read and write one of the vernaculars, if not

English, and should be sufficiently well educated to be able to conduct their court proceedings with intelligence and to understand the law which they have to administer.

3. The resolution further recommends that public opinion should be consulted as to the social status, antecedents and reputation of gentlemen whom it is proposed to recommend for appointment, and that only those should be recommended who are found to be fit and desirable. This part of the resolution was added as an amendment to the original motion, and from the speech of the honourable member who moved the amendment it may be inferred that its implication is that commonly not those who are most suitable but those who ingratiate themselves with the District Magistrate are appointed. The Governor in Council is unwilling to believe that this is the case, or that District Magistrates do not, as a rule, satisfy themselves of the real fitness of those whom they propose for appointment. This view is supported by the repeated tributes paid by the High Court and the Judicial Commissioner in their reports on the administration of criminal justice to the excellent work done by many honorary magistrates. The Governor in Council feels confident that the great majority of honorary magistrates are well suited for their duties and command the respect of those whose cases come before them, and does not think it either practicable or desirable that any formal procedure should be prescribed for ascertaining public opinion. At the same time the views expressed in the course of the two debates cannot be ignored. There can be no doubt that in the past, errors of judgment have occasionally been made, and recently in more than one instance it has been necessary to consider the question of depriving an honorary magistrate of his powers. It is of the greatest importance that no gentleman should be selected who does not command respect and confidence, or whose appointment is likely to lower the reputation of honorary magistrates as a class.

I have the honour to be,

SIR,

Your most obedient servant,

L. S. WHITE,

Deputy Secretary.

*(Copy of resolution passed at the meeting of the Council on the
13th December, 1922.)*

That this Council recommends to the Government that, as a rule, no person should be appointed to be an honorary assistant collector or magistrate who has not passed some prescribed test for such offices or is not otherwise educationally qualified to understand the laws of the land, and further recommends that nomination for such posts should not be made unless it is found, after consulting the public opinion of the locality concerned, that in view of his social status and antecedents and reputation such nominee will be a fit and desirable person to exercise the powers of an assistant collector or magistrate.

ENCOURAGEMENT OF HAND-WEAVING AND HAND-SPINNING IN
THE UNITED PROVINCES.

***73. Babu Mohan Lal Saksena :** Will the Government be pleased to state in detail what steps has it taken to encourage hand-weaving and hand-spinning in these provinces, and with what results?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to the speech made in Council by me on the 9th September, 1924 (Proceedings, Volume XIX, No. 4, page 320).

USE OF HAND-SPUN AND HAND-WOVEN CLOTH BY GOVERNMENT
EMPLOYEES.

***74. Babu Mohan Lal Saksena :** Will the Government issue a *communiqué* and have it circulated in all Government institutions clearly stating that it has no objection to the use of hand-spun and hand-woven cloth by Government employees while on duty?

The Hon'ble Mr. S. P. O'Donnell : The Government does not object to its servants wearing clothes composed of any material provided that the clothes worn do not definitely carry with them any political significance. It does not consider it necessary to issue instructions of the nature suggested.

PREVENTION OF FLOOD ON THE GUMTI.

***75. Babu Mohan Lal Saksena :** (a) What steps has the Government up till now taken to carry out the resolution passed by the Council regarding prevention of floods on the Gumti?

(b) Has it been able to ascertain the approximate amount of damage suffered by the residents of Butlerganj during the floods? If so, what is the rough amount?

(c) Is it a fact that the Lucknow Improvement Trust gave some oral or written understanding to the purchasers of plots in the aforesaid area to the effect that the Trust was contemplating the construction of a bund to protect Butlerganj from floods on the Gumti?

The Hon'ble Rai Rajeshwar Bali : (a) No such resolution is traceable.

(b) No.

(c) At the beginning of 1922 the Trust was contemplating a scheme for the protection of Butlerganj from floods, and recent purchasers were told that they would probably have the protection of a bund; but no actual undertaking, written or oral, was given at that or any other time that the bund would be constructed.

***76. Babu Mohan Lal Saksena :** Has the Lucknow Improvement Trust passed any resolution approving the report of its Chief Engineer proposing the construction of the aforesaid bund? If so, what steps have been taken by it to carry out the aforesaid resolution, and will the Government lay on the table a copy of the same? Will the Government be pleased to take steps to have the bund constructed at an early date?

The Hon'ble Rai Rajeshwar Bali : The answer to the first part of the question is in the affirmative. No steps have been taken by the Trust to carry out the resolution. A copy of the resolution is placed on the honourable member's table. Government hope to make a grant to the Improvement Trust for the construction of the bund.

(Copy of Lucknow Improvement Trust resolution No. 1160, dated the 25th January, 1922.)

Read Chief Engineer's notes on the Floods Protection Scheme. Resolved that the Chief Engineer's note be generally approved.

REMISSION OF COURT-FEES ON COPIES FOR PRIVATE USE.

*77. **Babu Mohan Lal Saksena :** Will the Government be pleased to state what action it has taken upon the resolution passed by the Council on 27th February, 1924 regarding remission of court-fees on copies required for private use ?

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to the answer given to the starred Question No. 50, asked by Babu Sita Ram Sahib at the meeting of the 5th September, 1924. Copies of that question and answer are attached.

(Copy of starred Question No. 50, asked by BABU SITA RAM SAHIB at the Council meeting of the 5th September, 1924.)

*With reference to the resolution of Rai Bahadur Thakur Mashal Singh regarding the remission of court-fees on copies of documents required for private use which was accepted by the Government on the 27th February, 1924, will the Government be pleased to state the decision it has come to regarding it ?

(Copy of answer given to the above question.)

*The remission of court-fee payable on copies supplied for private use has been, re-granted in Judicial (Civil) department notification No. 999/VII—353, dated the 8th July, 1924.

S. P. O'DONNELL,
Finance Member.

PANDIT BENI MADHO TIWARI, A CONVICT UNDER SECTION 124A,
INDIAN PENAL CODE.

*78. **Pandit Jhanni Lal Pande :** Will the Government be pleased to state where Pandit Beni Madho Tiwari, a convict under section 124A, Indian Penal Code, has been put after conviction ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : He was confined in the Lucknow Central Prison.

*79. **Pandit Jhanni Lal Pande :** Is it a fact that the District Magistrate, Jalaun, who tried the case recommended him to be classed as a special division prisoner ?

*80. Has he been so classed ? If not, why not ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes. The District Magistrate's recommendation was not in order, and having fully

considered the whole circumstances of the case and the fact that he had a short time before been convicted under the same section of the Indian Penal Code, the Government were unable to sanction special treatment in his case.

* 81. **Pandit Jhanni Lal Pande** : If the answer to the above question is in the negative, will the Government be pleased to state the labour to which he is put in jail ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Pandit Beni Madho Tiwari was released early in October.

* 82. **Pandit Jhanni Lal Pande** : Will the Government be pleased to state the name of the special counsel engaged for the prosecution of the said case ? What amount was paid to him ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Mr. C. F. Ball, Barrister-at-Law, was appointed as special counsel to prosecute the case " King-Emperor *versus* Beni Madho " on a daily fee of Rs. 100 plus travelling allowance. The total fees paid to the special counsel were Rs. 400 plus Rs. 258-8 for travelling allowance.

* 83. **Pandit Jhanni Lal Pande** : Was any member of the Jhansi, Cawnpore and Orai Bar asked to appear for the prosecution before engaging the special counsel ? If not, why not ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No. In the circumstances of the case it was considered advisable that counsel of some standing from outside should be appointed to conduct the prosecution.

ABOLITION OF KUNCH TAHSIL.

* 84. **Pandit Jhanni Lal Pande** : Has the Government received a memorial from the inhabitants of Kunch tahsil protesting against the proposal for its abolition ? If so, what action does the Government propose to take on it ?

The Hon'ble Mr. S. P. O'Donnell : (i) Yes.

(ii) It has been decided not to abolish the tahsil.

INTRODUCTION OF SCOUTING IN DISTRICT BOARD SCHOOLS.

* 85. **Pandit Jhanni Lal Pande** : Will the Government be pleased to name the district boards which have introduced scouting in their schools ? Is the Government prepared to grant money to such boards for encouraging the movement ? If not, will it consider the suggestion next year ?

The Hon'ble Rai Rajeshwar Bali : (a) Saharanpur, Muzaffarnagar, Meerut, Bulandshahr, Agra, Mainpuri, Etah, Bijnor, Moradabad, Shahjahanpur, Pilibhit, Etawah, Jhansi, Jalaun, Hamirpur, Banda, Ghazipur, Ballia, Basti, Naini Tal, Almora, Lucknow, Unao, Rae Bareilly, Sitapur, Hardoi, Fyzabad, Gonda, Bahraich, Sultanpur, Partabgarh, Bara Banki.

(b) and (c) Applications for assistance from district boards for the development of the Boy Scout movement will be considered if received by Government.

ABOLITION OF THE AGRICULTURAL FARM AT ORAI.

* 86. **Pandit Jhanni Lal Pande** : After the abolition of the agricultural farm at Orai how much money does the Government spend each year for the upkeep of the remaining staff in Jalaun district ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The total cost of the staff maintained in the Jalaun district last year amounted to Rs. 5,192.

* 87. **Pandit Jhanni Lal Pande** : What work has the department done last year in the Jalaun district ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The work during the year consisted of seed distribution from two seed stores at Orai and Madhogarh, lectures and demonstrations in villages on improved methods of cultivation and implements, and assistance in the management of the Court of Wards' Farm at Rampura.

NUMBER OF THANAS ABOLISHED IN JALAUN DISTRICT.

* 88. **Pandit Jhanni Lal Pande** : Will the Government be pleased to state the number of thanas abolished in the Jalaun district ? How were the particular thanas selected ? Was the public or the representatives of the public consulted before such abolition was ordered ? If not, why not ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Up to date three police stations have been abolished in the Jalaun district and the abolition of one more police station is under consideration. The police stations were selected for abolition as a result of the recommendations made by the district authorities and the Commissioner of the division. The public were not consulted, as it was considered unnecessary to do so.

RELEASE OF MESSRS. R. V. DHULEKAR AND A. G. KHER OF JHANSI.

* 89. **Pandit Jhanni Lal Pande** : Will the Government be pleased to state why Mr. R. V. Dhulekar and Mr. A. G. Kher of Jhansi were released after their conviction by the Hon'ble the High Court ? Will the Government be pleased to lay on the table a copy of the order of their release ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The release was ordered, as Government was satisfied that the sentence of fine was sufficient.

ABOLITION OF TAHSIL NAWABGANJ IN BAREILLY.

* 90. **Maulvi Zahur-ud-din** : Is it the intention of the Government to abolish the tahsil of Nawabganj in Bareilly district ?

The Hon'ble Mr. S. P. O'Donnell : No.

* 91. **Maulvi Zahur-ud-din** : Has the Government ascertained the feelings of the people of that tahsil who are likely to be affected by this change ? If not, is the Government prepared to do it now ?

The Hon'ble Mr. S. P. O'Donnell : This question does not arise.

PROHIBITION OF USING CANAL BANKS AS PATHS.

* 92. **Maulvi Zahur-ud-din** : Is it a fact that the authorities of the Irrigation department in Bareilly district have recently prohibited people from using the banks of the canals as paths ?

The Hon'ble Mr. S. P. O'Donnell : No.

* 93. **Maulvi Zahur-ud-din :** Will the Government be pleased to disclose the reason for this change?

The Hon'ble Mr. S. P. O'Donnell : Does not arise.

* 94. **Maulvi Zahur-ud-din :** Is it a fact that the prohibition order is the result of a dispute between the said department and the district board of Bareilly over the claim of a sum of money hitherto paid annually?

The Hon'ble Mr. S. P. O'Donnell : Does not arise.

* 95. **Maulvi Zahur-ud-din :** Will the Government be prepared to bear this burden itself to allay the distress amongst the people?

The Hon'ble Mr. S. P. O'Donnell : Does not arise.

* 96. **Maulvi Zahur-ud-din :** Will the Government be pleased to institute an inquiry and invite the people affected to submit their grievances freely?

The Hon'ble Mr. S. P. O'Donnell : Does not arise.

RICHA NOTIFIED AREA.

* 97. **Maulvi Zahur-ud-din :** Have the residents of village Richha, district Bareilly, submitted a memorial to the District Magistrate of Bareilly requesting him to cancel the notified area for the said village?

The Hon'ble Rai Rajeshwar Bali : Yes.

* 98. **Maulvi Zahur-ud-din :** Did the District Magistrate refuse to cancel the notification? If so, for what reasons?

The Hon'ble Rai Rajeshwar Bali : The District Magistrate has no power to cancel the notification. He declined to support the memorial because during an inquiry on the spot he found the town prosperous, taxation light, and the funds used in necessary measures of conservancy and lighting.

RULES ON THE BASIS OF PRINCIPLES LAID DOWN IN BAREILLY ELECTION CASE.

* 99. **Maulvi Zahur-ud-din :** Is the Government going to frame any rules on the basis of the principles laid down by the Election Commissioners in the Bareilly case? If so, will the Government publish drafts of the rules in the Gazette?

The Hon'ble Mr. S. P. O'Donnell : The Government are in complete agreement with the principles enunciated by the Commissioners on the subject of the participation of municipal officials in elections to the Legislative Council. In view, however, of the provisions of the Electoral Rules in regard to undue influence, the Government do not consider that any further rules are required.

UNSTARRED QUESTIONS.

FACILITIES TO UNDER-TRIAL EUROPEAN PRISONERS.

1. **Pandit Yajna Narayan Upadhyaya :** Will the Government be pleased to state what additional facilities are given in jails to under-trial European prisoners as compared with Indian prisoners?

Mr. J. R. W. Bennett : The precise purport of the word "facilities" is not understood. If it refers to differentiation in treatment there is a difference, for example in diet, in which differentiation is essential.

2. **Pandit Yajna Narayan Upadhya :** Is it a fact that Indian prisoners are employed to pull a fan for a European under-trial prisoner detained in the Central Jail, Benares, and the said prisoner, instead of being sent to barracks intended for such prisoners, is kept in the jail office ?

Mr. J. R. W. Bennett : No.

Yes. No accommodation for European prisoners is available at the Benares Central Prison.

PANDIT JAGDAMBA PRASAD, A POLITICAL PRISONER.

3. **Pandit Yajna Narayan Upadhya :** Is it a fact that Pandit Jagdamba Prasad, a political prisoner, detained in the Central Jail, Benares, is suffering from severe eye disease for the last three months and no medical assistance is given to him ?

Is it a fact that the Pandit is required to do hard labour even in his illness ?

Mr. J. R. W. Bennett : The answer to the first of this question is in the negative. The other part does not arise.

DEATH OF SOHAN LAL, A JUVENILE OFFENDER, IN CHUNAR.

4. **Pandit Yajna Narayan Upadhya :** Will the Government be pleased to state what was the cause of death of one Sohan Lal, a juvenile offender kept in Chunar Reformatory ?

Is it a fact that no medical aid was given to him and no relations of the prisoner were informed of his serious condition, though they live in a village not far off from Chunar ?

Kunwar Jagdish Prasad : (a) No boy of the name of Sohan Lal has died at the Chunar Reformatory School.

(b) Does not arise.

REPORT ON HAQ CHAHARUM INQUIRY, BENARES.

5. **Pandit Yajna Narayan Upadhya :** Will the Government lay on the table the report of the Senior Joint Magistrate of Benares and written statements submitted to him by several zamindars in connection with his *haq chaharum* inquiry ?

Mr. C. E. D. Peters : The answer is in the negative.

NUMBER OF DEATHS DUE TO EPIDEMICS IN BENARES.

6. **Pandit Yajna Narayan Upadhya :** Will the Government lay on the table a statement of the number of persons who died of cholera, plague and small-pox in Benares district from January, 1924 to June, 1924 and what medical aid was given by the Government and the local body ?

Mr. G. B. F. Muir : The number of deaths was as follows :—

Cholera	..	..	..	..	..	..	1,206
Plague	..	..	..	..	..	..	553
Small-pox	..	..	..	..	..	..	89

An account of the medical aid given by Government and district board is laid on the honourable member's table.

GROUPING OF VILLAGES IN UNITED PROVINCES.

7. **Pandit Yajna Narayan Upadhyia** : Is the Government prepared to introduce a scheme for the grouping of villages in the United Provinces so that medical aid can be given easily in case of epidemics ?

Mr. G. B. F. Muir : It is not understood what is the suggestion which the honourable member intends to make.

PROSECUTION UNDER VILLAGE SANITATION ACT IN BARAGAON, BENARES.

10. **Pandit Yajna Narayan Upadhyia** : How many persons have been prosecuted in village Baragaon in Benares tahsil under the Village Sanitation Act in the year 1923-24, and with what result?

Mr. G. B. F. Muir : Thirty-four. Twenty-eight were fined and six were acquitted.

LUNAR ECLIPSE AND SHOP-KEEPERS IN BENARES CHAUK.

11. **Pandit Yajna Narayan Upadhyia** : Is it a fact that shop-keepers in Benares chauk were detained by the police in their shops for more than 24 hours at the time of the last lunar eclipse ? If so, under whose orders ?

Mr. G. B. Lambert : The answer is in the negative.

NUMBER OF L. T.'s OF 1924.

12. **Pandit Yajna Narayan Upadhyia** : Will the Government be pleased to give the number of L. T.'s of 1924 who obtained Government service ?

Kunwar Jagdish Prasad : Thirteen.

MUHAMMADAN KOTWAL AT LUCKNOW.

13. **Pandit Yajna Narayan Upadhyia** : Is it a fact that no Muhammadan Kotwals are appointed at Lucknow ? If so, what are the reasons ?

Mr. G. B. Lambert : No Muhammadan Kotwal has been appointed at Lucknow for some years. In all the circumstances it is considered that a Hindu officer should hold the post.

MUNICIPAL ADMINISTRATION AT ALLAHABAD.

14. **Babu Sangam Lal** : Will the Government be pleased to state whether the municipal board of Allahabad has protested against the remarks of the Commissioner of Allahabad on its annual administration report regarding the introduction of new spirit in its administration ?

Mr. G. B. F. Muir : No protest has been received from the board.

COMPULSORY EDUCATION AT ALLAHABAD.

15. **Babu Sangam Lal** : (a) Has the Allahabad municipal board applied to the Government for sanction to their scheme to make education compulsory within their limits ? If so, when ?

(b) Has it been sanctioned ? If not, why not ?

Kunwar Jagdish Prasad : (a) Certain proposals have been made by the board. Correspondence in regard to these is proceeding between the Director of Public Instruction and the municipal board.

(b) Does not arise.

TAHSILDARS.

16. **Shaikh Abdus Samad Ansari**: What is the number of tahsildars under extension who have put in 30 years' qualified service or have attained the age of 55 years?

Mr. C. E. D. Peters: Five.

17. **Shaikh Abdus Samad Ansari**: What are the special grounds for granting extension to these tahsildars?

Mr. C. E. D. Peters: The interests of the public service.

18. **Shaikh Abdus Samad Ansari**: How many approved candidates for tahsildarship selected in 1921—23 have completely passed the departmental examination and are still unprovided for?

Mr. C. E. D. Peters: Tahsildars who have passed their examination completely, or have been exempted, 58. Sub. *pro tem*, 4th grade, 9. Have officiated from time to time, 32. Unprovided, 17.

19. **Shaikh Abdus Samad Ansari**: Will the Government be pleased to stop the practice of granting extensions?

Mr. C. E. D. Peters: The honourable member is referred to the answer to Question No. 17. Government is unable to give any such undertaking.

APPOINTMENT OF BABU JANKI PRASAD AS SECRETARY, MUNICIPAL BOARD, HATHRAS.

20. **Thakur Shib Narayan Singh**: (a) Is it fact that the District Magistrate of Aligarh persuaded or influenced the chairman of the Hathras municipal board in any way to get Babu Janki Prasad appointed secretary, and if so, why?

(b) If the reply to (a) is in the negative, what are the actual facts as far as the chairman and the District Magistrate were concerned in this matter?

Mr. G. B. F. Muir: (a) No.

(b) The actual facts are that the chairman of the municipal board consulted the District Magistrate on the subject. The District Magistrate told him that the only thing which the members of the board should consider was the efficiency of municipal administration and that it was the duty of the board to select the best candidate whether it was Babu Janki Prasad or anyone else.

ABOLITION OF THAKURDWARA, TAHSIL MORADABAD.

23. **Dr. Shafa'at Ahmad Khan**: Is it a fact that inquiries have been made in Thakurdwara tahsil, district Moradabad, lately with a view to the abolition of the tahsil?

Mr. J. B. W. Bennett: The question is still under examination.

CASES UNDER SECTION 124 A, INDIAN PENAL CODE, AGAINST EDITORS OF NEWSPAPERS.

24. **Pandit Jhanni Lal Pande**: Will the Government be pleased to lay on the table the following particulars about the cases sanctioned under section 124A, Indian Penal Code, by the Local Government against the editors of newspapers:—

(a) the names of the papers;

(b) the names of the editors ; and

(c) the result of each case ?

Mr. G. B. Lambert : A statement is given below :—

1922.—Nil.

1923.—Nil.

1924.—(a) The “ *Dehati*,” district Jalaun,

(b) Pandit Beni Madho Tewari.

(c) The accused was sentenced to two years’ rigorous imprisonment and to a fine of Rs. 500, or, in default, to three months’ further rigorous imprisonment.

1924.—(a) The “ *Medina*,” Bijnor.

(b) Kazi Badrul Hasan Jalali.

(c) The accused apologized and the case was withdrawn.

CIRCULATING LIBRARIES.

25. **Pandit Jhanni Lal Pande :** Is it a fact that the district board, Jalaun, has organized circulating libraries ? Is the Government prepared to help the board financially in the current year ? If not, why not ?

Kunwar Jagdish Prasad : The board has started one library. Government regret that they are unable to assist the board in the current year, as there is no provision for the purpose in the budget.

NEUTRALITY OF GOVERNMENT SERVANTS IN COUNCIL ELECTIONS.

26. **Pandit Jhanni Lal Pande :** Will the Government be pleased to lay on the table a copy of the orders, if any, issued to Government servants with regard to the attitude of neutrality to be maintained by them during the last Council election ?

Mr. J. R. W. Bennett : The general orders on the subject, which are definite and explicit, are contained in paragraph 322A of the Manual of Government Orders. No special orders to Government servants were issued at the last Council election.

Panchayats IN JALAUN.

27. **Pandit Jhanni Lal Pande :** How many *panchayats* were opened in the Jalaun district in the year 1923 ? How were the *panches* and *sirpanches* elected ?

Mr. G. B. F. Muir : Forty-six *panchayats* were opened during the year ending 30th September, 1923. The selection was made after ascertaining, by local inquiry, the wishes of inhabitants of the circle and, in the case of the *sirpanch*, the opinions of the *panches* also.

TRANSFER OF OFFICERS IN CHARGE OF POLICE STATIONS.

28. **Babu Mohan Lal Saksena :** Has the Government issued any instructions to the Superintendents of Police regarding the transfer of officers in charge of police stations ?

If so, will it please lay on the table a copy of the same for the information of the Council ?

If the answer be in the negative, will it be pleased to direct the Superintendents not to transfer an officer in charge by way of punishment without communicating to him the charges against him, if any, and without taking his explanation in writing?

Mr. G. B. Lambert: Superintendents of Police are authorized to transfer within the district sub-inspectors in charge of police stations with the concurrence of the District Magistrate—vide the orders contained in paragraph 412, Police Regulations. It is not considered necessary to issue any further instructions.

GOVERNMENT'S ACTION ON CERTAIN RESOLUTIONS PASSED BY THE COUNCIL.

29. **Babu Mohan Lal Saksena:** Will the Government be pleased to state what action has the Board of Revenue taken upon the resolution passed by the Council on the 9th August, 1921, *re* appointment of Indians as Managers of Court of Wards?

Mr. C. E. D. Peters: The resolution referred to, as accepted in a modified form by Government, was to the effect that ordinarily at least half the special managers should be Indians. In 1921 there were already 13 Indians out of a total of 20. The number is now 16 out of 21.

30. **Babu Mohan Lal Saksena:** Will the Government be pleased to state what action has been taken upon the resolution passed by the Council on the 26th February, 1923, recommending the grant of two more District Magistracies to the Provincial Executive service? If no action has yet been taken, will the Government state reasons?

Mr. G. B. Lambert: The solution of the general question raised in the resolution referred to is under consideration in connection with the Lee Commission's report.

PROVINCIAL CATTLE-BREEDING COMMITTEE.

31. **Babu Mohan Lal Saksena:** Will the Government be pleased to state what steps have so far the Provincial Cattle-breeding Committee recommended to solve the problem of shortage of cattle in these provinces?

Kunwar Jagdish Prasad: Copies of different resolutions passed by the Committee are placed upon the honourable member's table.

PERSONNEL OF THE COMMITTEE APPOINTED TO REVISE THE EDUCATIONAL CODE.

32. **Babu Mohan Lal Saksena:** Will the Government be pleased to state the personnel of the committee appointed to revise the Educational Code? When was the committee appointed? Has it submitted its report? If so, what action has been taken thereupon? If the report has not yet been submitted, how long will it take the committee to submit its report?

Kunwar Jagdish Prasad: A list showing the personnel of the committee is placed on the table of the honourable member. The committee was appointed in November, 1922. The committee has submitted its report, which is being examined by the Director of Public Instruction. The Director's recommendations on some of the chapters

of the Code have reached Government and are under consideration. The remaining chapters will be submitted to and will be considered by Government when they have been examined by the Director.

PENSIONS FOR COPYISTS IN COLLECTORATES.

33. Babu Mohan Lal Saksena: Has the Government decided anything about making the posts of copyists in the collectorates pensionable? If not, how long will it take to decide the question?

Mr. C. E. D. Peters: No. Proposals in this connection are at present in abeyance in view of the uncertainty as to the financial position.

NUMBER OF MEETINGS OF THE EXECUTIVE COUNCIL AND CABINET.

34. Babu Mohan Lal Saksena: Will the Government be pleased to state the total number of meetings of the Executive Council which have been held during the régime of the present Governor and also the number of meetings of the Governor with the Ministers held during the same period?

Mr. G. B. Lambert: The honourable member is referred to the answer to starred Question No. 33 for the 10th of September, 1924.

(Starred Question No. 33, and answer given to it on the 10th September, 1924, referred to in the answer to Question No. 34 for the 15th December, 1924.)

***33. Babu Sangam Lal:** If the answer to Question No. 30 be in the affirmative, will the Government be pleased to state whether this decision of the Government was arrived at in consultation between both the halves of the Government?

The Hon'ble Mr. S. P. O'Donnell: As stated in reply to a number of other questions at this session, the deliberations of the Government are in all respects confidential.

RULES FOR EXECUTIVE BUSINESS.

35. Babu Mohan Lal Saksena: Has the Government framed any rules for executive business? If so, will it be pleased to lay on the table a copy of the same for the information of the Council?

Mr. G. B. Lambert: The rules are confidential.

PROCEEDS OF MOTOR VEHICLES TAX.

36. Babu Mohan Lal Saksena: Will the Government be pleased to state what were the total proceeds from the motor vehicles tax?

Mr. E. A. H. Blunt: The total amount realized up to 31st July, 1924 was Rs. 1,91,393.

GRANTS TO DISTRICT BOARDS FOR IMPROVEMENT OF ROADS.

37. Babu Mohan Lal Saksena: Will the Government be pleased to state the total amount of grants given to the district boards during the last year for the improvement of roads?

Mr. G. B. F. Muir: No grants were made during last year to district boards specifically for the improvement of roads. The usual recurring grants were made under the head "Civil Works," which includes the maintenance of roads.

AVERAGE INCOME AND CAUSES OF POVERTY OF THE PEOPLE IN UNITED PROVINCES.

38. **Babu Mohan Lal Saksena** : Is the Government in a position to state the average income of the people in these provinces ? If not, will it be pleased to institute an inquiry to ascertain it and also to ascertain the causes of the poverty of the people ?

Mr. E. A. H. Blunt : The answer to both parts of the question is in the negative.

ADVANCE OF LOANS BY GOVERNMENT TO FIRMS AT LUCKNOW.

39. **Babu Mohan Lal Saksena** : Will the Government be pleased to state upon what terms and securities, if any, have loans been advanced to Lucknow Sugar Works, Limited, and the Karaundia Industrial Development Corporation, Limited, respectively ? Have the terms been carried out by the aforesaid firms ? If not, what steps has the Government taken to enforce them ?

Kunwar Jagdish Prasad : The terms on which loans of 6 lakhs have been advanced to the Lucknow Sugar Works, Limited, and of 4 lakhs to the Karaundia Industrial Development Company, Limited, are almost identical. The terms are :—

- (i) that the loans will be repaid by annual instalments within six years ;
- (ii) interest is charged at 8 per cent. per annum ; and
- (iii) the property hypothecated as security is to be insured for an amount fixed by Government.

Suitable penalties are also provided in the event of a default or other breach of the terms. The loans were advanced upon the security of land, buildings and machinery.

The companies have not been able to carry out the terms of their agreements. Efforts are being made to conclude satisfactory arrangements for the repayment of the loans. As the negotiations are not yet complete, Government are unable to make any statement at present in the matter.

DEVELOPMENT OF INDUSTRIES.

40. **Babu Mohan Lal Saksena** : With reference to the Government answer to the starred Question No. 52 on the 4th April, 1924, will the Government be pleased to state if it has yet appointed any committee to examine the question of industrial development ? If so, will it state its personnel and terms of reference ?

Kunwar Jagdish Prasad : The honourable member is referred to the replies given to starred Questions Nos. 32 and 33 of 11th September, 1924.

(Starred Questions Nos. 32 and 33, asked on 11th September, 1924, and the replies given thereto.)

* *Question No. 32.*—Is it a fact that a committee was recently constituted under the chairmanship of Mr. Burn to make recommendations relating to the development of industries ?

Answer.—Yes.

***Question No. 33**—If so, what are its personnel and term of reference, and what was the necessity of appointing it without the consultation of the Council?

Answer.—The members of the Committee are:—

Mr. R. Burn (Chairman), Mr. Gavin Jones, Mr. Ashiq Hussain Mirza, the Hon'ble Raja Moti Chand, Khan Bahadur Hafiz Muhammad Halim, Rai Bahadur Babu Vikramajit Singh, and the Director of Industries (Secretary).

The matters referred to the Committee are:—

- (1) to suggest methods of developing provincial industries;
- (2) to examine the existing system of technical and industrial education and to suggest how it can be improved; and
- (3) to examine and report upon the existing system of purchasing stores through the Provincial Stores Purchase department.

I announced the appointment of this Committee in a speech in Council on 3rd April.

DEVELOPMENT OF COTTAGE INDUSTRIES.

41. Babu Mohan Lal Saksena: With reference to his answer to the starred Question No. 83 on the 27th February, 1924, will the Hon'ble Minister of Industries state what methods, if any, he has adopted for the development of cottage industries?

Kunwar Jagdish Prasad: The honourable member is referred to the speeches made by the Hon'ble Minister for Industries and the Finance Secretary in reply to the resolution moved on 19th September, 1924 about the encouragement of cottage industries.

IMPROVEMENT OF JAIL INDUSTRIES.

42. Babu Mohan Lal Saksena: Will the Government be pleased to state what measures, if any, it has adopted for the improvement of jail industries as recommended by the Jails Committee?

Mr. J. R. W. Bennett: The honourable member is referred to Government resolution No. 2778/VI-837, dated the 29th August, 1924, published in the *United Provinces Government Gazette* of the 10th August, 1924.

INSTITUTION OF A SPECIAL DIVISION TO COVER CASES OF PRISONERS IMPRISONED FOR THE SAKE OF CONSCIENCE.

43. Babu Mohan Lal Saksena: Has the Government received any instructions from the Government of India regarding institution of a special division to cover cases of prisoners who were imprisoned for the sake of conscience?

If so, will the Government be pleased to state what action has it taken or does it propose to take?

Mr. J. R. W. Bennett: No.

The second part does not arise.

INSPECTION OF GOVERNMENT AIDED INSTITUTIONS BY MEMBERS OF
LEGISLATIVE COUNCIL.

44. **Babu Mohan Lal Saksena** : Will the Government be pleased to issue instructions to the Heads of all Government and Government aided institutions to allow the members of Legislative Council within whose constituencies they are situated to inspect them at least once a year ?

Mr. G. B. Lambert : Most of the institutions to which the honourable member refers are not under direct Government control, and he must therefore apply to the authorities which control them. So far as the Government is concerned, general instructions of the nature suggested by the honourable member are not considered desirable. If the honourable member wishes to see any particular institution, it will probably be possible to arrange matters.

NUMBER OF LIQUOR AND OTHER DRUG SHOPS IN LUCKNOW MUNICIPALITY.

45. **Babu Mohan Lal Saksena** : Will the Government be pleased to lay on the table a comparative statement showing the number of liquor and other drug shops within Lucknow municipality and district respectively for the last four years ?

Mr. E. A. H. Blunt : The statement is as follows :—

	1920-21.		1921-22.		1922-23.		1923-24.	
	Municipality.	Rest of the district.	Municipality.	Rest of the district.	Municipality.	Rest of the district.	Municipality.	Rest of the district.
Country spirit	16	50	15	50	12	37	11	34
Hemp drugs ..	18	39	18	39	11	27	11	25
Opium ..	12	8	12	6	10	8	9	
Tori ..	16	54	15	54	14	42	14	41

Ganga Ashnan HOLIDAYS.

46. **Babu Bhagwati Sahai Bedar** : In view of the fact that nearly 75 per cent. of the Hindu population of Moradabad goes to Garhmuktesar on the occasion of *Kartiki Ashnan*, will the Government be pleased to make some increase in the *Ganga Ashnan* holidays ?

Mr. G. B. Lambert : The Governor in Council regrets that it is not possible to add to the list of holidays.

SANYUKT PRANTIK ADHYAPAK MANDAL, MORADABAD.

47. **Babu Bhagwati Sahai Bedar** : Is the Government aware that there is a vernacular teachers' association known as "Sanyukt Prantik Adhyapak Mandal" at Moradabad ?

Kunwar Jagdish Prasad : Yes.

48. **Babu Bhagwati Sahai Bedar** : Has the Government recognized this association so far ? If not, please state reasons ?

Kunwar Jagdish Prasad : (a) No.

(b) The association has not stated to what extent it has complied with the conditions of recognition.

49. **Babu Bhagwati Sahai Bedar** : Will the Government be pleased to state if this association has fulfilled all the conditions mentioned in No. 274 of 192-192/XXXVII—6-21, dated the 21st May, 1923, from the Director of Public Instruction, United Provinces ?

50. If not, will the Government be pleased to state definitely the conditions it has still to fulfil ?

Kunwar Jagdish Prasad : The honourable member is referred to the answer to Question No. 48.

MUNICIPALITY FOR BASTI.

51. **Rai Jagdish Prasad Sahib** : Will the Government be pleased to state why a municipality has not been granted to Basti ?

Mr. G. B. F. Muir : The status of a town area or possibly of a notified area is considered better suited to the peculiar circumstances of Basti.

INFORMATION AS TO QUESTIONS ASKED AT PREVIOUS MEETINGS.

(Answer with reference to starred Question No. 55, asked by **BABU SITA RAM** at the Council meeting held on the 5th September, 1924.)

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to the answer given on the 8th March, 1924 to starred Question No. 40.

Until statistics are obtainable regarding the number and quality of animals slaughtered during a period of at least two years, Government do not intend to interfere with the trade.

(Starred Question No. 40, asked on the 8th March, 1924, and the reply given thereto.)

Question.—Will the Government be pleased to state what action, if any, it has taken upon Pandit Govind Sahai Sharma's resolution passed in the last Council regarding abolition of Burma meat trade in these provinces ?

Answer.—Statistics as to the number of animals slaughtered for the trade are being collected. When they have been received Government will consider what action should be taken.

(Answer with reference to starred Question No. 144, asked by **MR. MUKANDI LAL** at the Council meeting held on the 6th September, 1924.)

The Hon'ble Rai Rajeshwar Bali : It is not known when the road was last repaired. It has been, and part of it still is, in bad order. Half has now been repaired and the municipal board hopes to repair the rest during the winter.

Mr. Mukandi Lal : Have the repairs been suspended or are they being still continued ?

The Hon'ble Rai Rajeshwar Bali : I do not know.

(Answer with reference to starred Question No. 208, asked by CHAUDHRI BADAN SINGH at the Council meeting held on the 6th September, 1924.)

The Hon'ble Mr. S. P. O'Donnell : A case was transferred from the court referred to on the ground that the Magistrate did not permit the complainant's witnesses to be examined by him or by his pleader. He examined them himself.

(Answer with reference to starred Question No. 209, asked by CHAUDHRI BADAN SINGH at the Council meeting held on the 6th September, 1924.)

The Hon'ble Mr. S. P. O'Donnell : The answer to the first part of this question is in the affirmative. The allegation of the complainant that his witnesses had been abused by the Magistrate is denied by the Magistrate.

(Answer with reference to starred Question No. 210, asked by CHAUDHRI BADAN SINGH at the Council meeting held on the 6th September, 1924.)

The Hon'ble Mr. S. P. O'Donnell : Government do not consider that any action in the matter is called for.

(Answer with reference to starred Question No. 211, asked by CHAUDHRI BADAN SINGH at the Council meeting held on the 6th September, 1924.)

The Hon'ble Mr. S. P. O'Donnell : The Magistrate did suggest to the District Magistrate that the case should be sent for trial to the court of Syed Wali-ullah, deputy collector. The Magistrate's reason for so doing appears to have been that cases were frequently sent from his court to that of Syed Wali-ullah.

(Answer with reference to starred Question No. 212, asked by CHAUDHRI BADAN SINGH at the Council meeting held on the 6th September, 1924.)

The Hon'ble Mr. S. P. O'Donnell : The deputy collector referred to has decided 1,234 revenue and 467 criminal cases since he arrived in Lucknow. The time that was allowed to elapse between the dates of last hearing and delivery of judgment in each case can only be ascertained by examining some 1,700 files—a task which Government is not prepared to undertake, but on the 28th of October, 1924 judgment was pending in only one revenue case, the last date of hearing of which was the 24th October, 1924. In many cases which were examined no undue delays between the dates of hearing and delivery of judgment were detected.

(Answer with reference to starred Question No. 213, asked by CHAUDHRI BADAN SINGH at the Council meeting held on the 6th September, 1924.)

The Hon'ble Mr. S. P. O'Donnell : There have been a few day-to-day adjournments in rent and revenue cases in the court of Mr. Mamnoon Hasan Khan and such adjournments were usually granted on the application of the parties.

(Answer with reference to starred Question No. 214, asked by CHAUDHRI BADAN SINGH at the Council meeting held on the 6th September, 1924.)

The Hon'ble Mr. S. P. O'Donnell : (a) It is a fact that this officer has occasionally through stress of work sat in court for half an hour or one hour later than the usual time.

(b) It is left to the discretion of the presiding officer to extend his time beyond the usual court hours if compelled to do so by stress of work.

Rai Bahadur Babu Vikramajit Singh : Can the presiding officer extend his time if he comes late, that is after 11 o'clock.

The Hon'ble Mr. S. P. O'Donnell : Yes ; certainly.

Mr. Mukandi Lal : Is it a fact that the court hours for all courts are from 10 to 4 ?

The Hon'ble Mr. S. P. O'Donnell : The court hours are, I think, from 11 to 4.

Mr. Mukandi Lal : Is it legal to extend the court hours beyond 4 o'clock ?

The Hon'ble Mr. S. P. O'Donnell : Yes ; quite legal.

(*Answer with reference to starred Question No. 215, asked by CHAUDHRI BADAN SINGH at the Council meeting held on the 6th September, 1924.*)

The Hon'ble Mr. S. P. O'Donnell : There are only 79 rent and revenue cases pending in the court of Mr. Mamnoon Hasan Khan and few of them are old cases. The deputy collector can dispose of them without any difficulty or delay.

(*Answer with reference to starred Question No. 244, asked by DR. MUHAMMAD NAIM ANSARI at the Council meeting held on the 6th September, 1924.*)

The Hon'ble Rai Rajeshwar Bali : (a) Yes. The owners never applied to get the property, and refused to take delivery when asked to do so.

(b) A list of articles and the calculated market value is laid on the honourable member's table.

(c) Yes. The movable property is stored in two rooms with the exception of 12 beams and two gate frames which for want of room are kept on a piece of land close to the acquired property. The value of the property is the same as shown in the list placed on the honourable member's table.

(*Answer with reference to starred Question No. 9, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.*)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Forty-five licences were cancelled and 142 applications were refused.

Pandit Hargovind Pant : What are the reasons for the refusal of licences in this case ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I do not know of any special reasons.

Pandit Brijnandan Prasad Misra : May I know the reasons for which licences were refused ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I ask for further notice.

(Answer with reference to starred Question No. 10, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The information asked for is of very limited interest and would not be worth the labour and cost involved in compiling and printing such a statement.

(Answer with reference to starred Question No. 11, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer is in the negative.

(Answer with reference to starred Question No. 12, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government is not aware of any such case. The ballot is secret.

(Answer with reference to starred Question No. 13, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Without definite details the Government is unable to institute an inquiry, and since an aggrieved person has a right of appeal it does not consider such an inquiry necessary.

(Answer with reference to starred Question No. 14, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer is in the affirmative.

Pandit Hargovind Pant: For what reasons has the licence been cancelled in this particular case?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The reasons are not reported to Government.

(Answer with reference to starred Question No. 15, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer is in the affirmative.

(Answer with reference to starred Question No. 16, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is understood that this was the substance of the reply.

Rai Bahadur Lala Sita Ram: Was the reply couched in a different language?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes; so far as I remember.

(Answer with reference to starred Question No. 17, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The District Magistrate's orders are open to appeal.

Rai Bahadur Lala Sita Ram : Does the Government approve of this order of the District Magistrate ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I am not prepared to give a reply to this question at this stage.

(Answer with reference to starred Question No. 18, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : This is not known, but is believed to have been before the election.

(Answer with reference to starred Question No. 19, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : He is known as landlord and a trader of more than average status.

(Answer with reference to starred Question No. 20, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It has not been possible to verify this suggestion on the information furnished.

(Answer with reference to starred Question No. 21, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the affirmative.

(Answer with reference to starred Question No. 22, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The Government is aware that he is a zamindar and a member of the district board.

(Answer with reference to starred Question No. 23, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the negative.

(Answer with reference to starred Question No. 24, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The Government has no information.

Pandit Brijnandan Prasad Misra : Will the Government collect the information ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No ; it does not seem necessary.

(Answer with reference to starred Question No. 25, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the affirmative.

Pandit Hargovind Pant : May I know then why the licence was confiscated if the answer is in the affirmative ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: It is within the discretion of the District Magistrate to confiscate, refuse or grant a licence.

(Answer with reference to starred Question No. 26, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer is in the affirmative.

Mr. Mukandi Lal: In view of the fact that the answer to the question is in the affirmative, is it a suitable case for the confiscation of the licence? Has the Government made any inquiry into this case? If it has not made any inquiry, will the Government now do so and lay the reasons on the table?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: An inquiry will be made if the Government will think it necessary to do so.

Pandit Brijnandan Prasad Misra: Has the licence been cancelled on account of his connection with the Aman Sabha?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

Pandit Brijnandan Prasad Misra: What were the reasons which led the Government to take this action?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I do not know.

Pandit Brijnandan Prasad Misra: Will the Government make an inquiry?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: If it is necessary. I submit to the Chair that since the last session of the Council such a large number of questions has been put by honourable members that it has been impossible for any member in charge to be ready to answer every inquiry and question. There were so many starred questions that we had to examine more than a hundred files and now we are asked to make inquiries in regard to the discretionary powers of the Collector.

Rai Bahadur Lala Sita Ram: The Hon'ble the Home Member has complained about the large number of questions and the insufficiency of time. Is he justified to lay the blame on the non-official members? The Government itself did not convene meetings of the Council for such a long time.

The Hon'ble the President: The number of questions is so enormous that the Government has no time to examine all files to be in possession of all the information. This seems fairly reasonable.

Rai Bahadur Lala Sita Ram: In view of the large number of questions that have been put about this matter, does the Government not consider it necessary to make an inquiry?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I want to explain myself. My honourable friend Rai Sita Ram Bahadur is anxious because he suspects that the Government does not want to answer ticklish questions. That is not the fact. The fact is this. In reply to Question No. 10, dated the 8th September, 1924, I have already stated that the information asked for is very limited and that it would

not be worth the labour and the cost involved in compiling such a statement. In such cases I may be excused to say that I shall always be ready to reply to questions which are important. No Government can refuse to answer questions and I am in duty bound to answer questions which are important from a political and administrative point of view.

(Answer with reference to starred Question No. 27, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer is in the affirmative.

(Answer with reference to starred Question No. 28, asked by PANDIT HARGOVIND PANT at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer is in the negative.

Pandit Govind Ballabh Pant: Will the Government be pleased to let us know the reasons why the licence was cancelled?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government does not know the reasons.

(Answer with reference to starred Question No. 36, asked by RAI JAGDISH PRASAD SAHIB at the Council meeting held on the 8th September, 1924.)

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Government are considering the proposal. The question of granting a loan for the establishment of a match factory in Muttra is receiving Government's attention.

(Answer with reference to starred Questions Nos. 69 to 71, asked by MR. MUKANDI LAL at the Council meeting held on the 8th September, 1924.)

* 69. **The Hon'ble Rai Rajeshwar Bali:** Yes.

* 70 and 71. **The Hon'ble Rai Rajeshwar Bali:** The report of the committee was referred to the Advisory Council. Another committee has been appointed on the recommendation of the Advisory Council. Its personnel is:—

- (1) The Director of Public Instruction, United Provinces (*Chairman*).
- (2) Rai Bahadur Lala Sita Ram, M.A., LL.B., M.L.C., Meerut.
- (3) Major L. W. C. Sandes, D.S.O., M.C., R.E., Principal, Thomason College, Roorkee.
- (4) Mr. E. F. Tipple, M.A., Inspector of Schools, Meerut.
- (5) Mr. Jwala Prasad, B.A., C.E., M.I.E., Superintending Engineer, II Circle, Irrigation, Allahabad.
- (6) Mr. Ali Mahdi, B.A., Executive Engineer, Jhansi division, Betwa Canal, Jhansi.
- (7) Mr. G. Lacey, B.Sc., Under Secretary to Government, United Provinces, Irrigation branch, Allahabad.
- (8) Mr. Mohsin Ali, B.A., M.Sc., Executive Engineer, 13th Sarda division, Sitapur.
- (9) Mr. A. N. Puri, Assistant Engineer, Partabgarh.

(10) Lala Wazir Sahai, Chief Engineer, Allahabad Improvement Trust.

(11) Dr. P. P. Phillips, Ph.D., Professor, Thomason College, Roorkee
(Secretary).

(Answer with reference to starred Question No. 82, asked by BABU NEMI SARAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Rai Rajeshwar Bali : (a) Yes.

(b) The Commissioner found in regard to this letter that it could not be held to show that Mr. Fremantle in fact exercised his influence unduly to secure Babu Ram Nath's return. Government do not feel it incumbent upon them to express an opinion.

(c) The answer is in the negative. It may be added that Mr. Fremantle is in England on leave preparatory to retirement.

(Answer with reference to starred Questions Nos. 84 to 86, asked by MR. ASHIQ HUSAIN MIRZA at the Council meeting held on the 8th September, 1924.)

* 84. **The Hon'ble Rai Rajeshwar Bali :** Yes.

* 85. The facts stated are substantially true.

* 86. The municipal board has not as yet sought any technical aid from Government. With regard to monetary help the honourable member is referred to the answer given to starred Question No. 99 on the 5th September, 1924.

(Starred Question No. 99, asked by MR. ASHIQ HUSAIN MIRZA at the Council meeting held on the 5th September, 1924.)

Question.—Will the Government be pleased to take very early steps to protect the property and inhabitants of this mohalla?

Answer.—**The Hon'ble Rai Rajeshwar Bali :** The problem of affording protection is being examined. Until it is apparent what steps are possible and at what cost, no undertaking can be given.

(Answer with reference to starred Question No. 89, asked by RAO ABDUL HAMID KHAN; at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : There were 15 summons-writers up to June, 1922, each drawing Rs. 30 in the Meerut judgship.

(Answer with reference to starred Question No. 90, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The posts of summons-writers were abolished with effect from 21st June 1922.

(Answer with reference to starred Question No. 91, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : They were appointed paid apprentices. The directions of Government were that "to avoid hardship to individuals, as far as possible, wherever possible they should be provided for elsewhere, and if qualified, should be given preference over apprentices and new candidates in filling

vacancies in the regular staffs," not that they should be appointed to posts on equal pay.

(Answer with reference to starred Question No. 92, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

(Answer with reference to starred Question No. 93, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer to both parts of the question is in the affirmative.

(Answer with reference to starred Question No. 94, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : They were so treated in accordance with the general rule by which promotion to vacancies in higher grades is given to permanent men and outsiders placed in the lowest grade on appointment.

(Answer with reference to starred Question No. 95, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Only one of the reduced summons-writers was senior to Munshi Newal Kishore. Munshi Newal Kishore was appointed to various posts on Rs. 50 or more per mensem before being appointed makhzanar at Mazharanagar. Munshi Newal Kishore is a distant relation of the Munshi.

(Answer with reference to starred Question No. 96, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Munshi Newal Kishore had previously acted satisfactorily as makhzanar.

(Answer with reference to starred Question No. 97, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes, some of the reduced summons-writers who were subsequently appointed copyists were again brought under reduction on the introduction of the Central Copying Room system.

(Answer with reference to starred Question No. 98, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

(Answer with reference to starred Question No. 99, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The so-called juniors as they remained in service when the services of the senior employees were dispensed with ceased to be junior to those whose posts had been abolished.

(Answer with reference to starred Question No. 100, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : In all reductions some hardship is involved and Government see no reason to

believe that the District Judge acted otherwise than in strict accordance with the rules, and, so far as possible, to the avoidance of hardship.

(Answer with reference to starred Question No. 101, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : All the reduced copyists have been provided for in arrangements which have now been made permanent. Some of the reduced summons-writers are still paid apprentices, but are all acting in temporary arrangements.

(Answer with reference to starred Question No. 102, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : From the date of their last appointment.

(Answer with reference to starred Question No. 103, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the affirmative.

(Answer with reference to starred Question No. 104, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No, though it is hoped that this arrangement may ultimately be made.

(Answer with reference to starred Question No. 105, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Does not arise.

(Answer with reference to starred Question No. 106, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Muhammad Saddiq, Rashid Ahmad, Asghar Ali, and Zahir-ud-din do possess a knowledge of Urdu Vernacular.

(Answer with reference to starred Question No. 107, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the affirmative.

(Answer with reference to starred Question No. 108, asked by RAO ABDUL HAMID KHAN at the Council meeting held on the 8th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Only one of the new copyists engaged under the Centralized Scheme has passed

the Matriculation examination, but 17 copyists were not newly appointed. Eleven were already working as copyists and six were copyists whose posts had come under reduction.

(Answer with reference to starred question No. 109, asked by RAO ABDUL HAMID KHAN, at the Council meeting held on the 8th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No. Appointments are made by the District Judge and not by the Munsarim. Out of seventeen copyists, four are Muhammadans and thirteen are Hindus.

(Answer with reference to starred question No. 110, asked by RAO ABDUL HAMID KHAN, at the Council meeting held on the 8th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** If the five persons named had not come under reduction they would have been senior to four of the seventeen copyists.

(Answer with reference to starred question No. 152, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting of the 8th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (a) Since September, 1922, 713 acres.

(b) (1) An area of 57·396 acres has been given to 16 different Indians. It is proposed to give a further area of 32·628 acres to 16 other Indians.

(b) (2) An area of 96·068 acres has been given to 4 non-Indians, and it is proposed to give to a non-Indian hissedar of Ramgarh a further area of 10·413 acres.

(c) 45 of Indians and two of non-Indians.

Pandit Govind Ballabh Pant : Is it 57,396 or 57·396 ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is 57·396.

Pandit Govind Ballabh Pant : Will the Government be pleased to state why there has been such disparity between the area allowed to Indians and non-Indians, and between the applications of Indians admitted and rejected and those of others ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I ask for notice.

(Answer with reference to starred question No. 32, asked by PANDIT SRI KRISHNA DUTT PALIWAL, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Yes.

(Answer with reference to starred question No. 33, asked by PANDIT SRI KRISHNA DUTT PALIWAL, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** The concession was not allowed to persons who had been convicted of military offences and were still members of the army. The cases of persons who had been convicted of offences connected with political agitation were considered on their merits.

Babu Bhagwati Sahai Bedar : What were the merits for which these concessions were considered ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I ask for notice.

(Answer with reference to starred question No. 34, asked by PANDIT SRI KRISHNA DUTT PALIWAL, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : Yes.

(Answer with reference to starred question No. 35, asked by PANDIT SRI KRISHNA DUTT PALIWAL, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : As ordinary prisoners.

(Answer with reference to starred question No. 36, asked by PANDIT SRI KRISHNA DUTT PALIWAL, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : Yes.

(Answer with reference to starred question No. 37, asked by PANDIT SRI KRISHNA DUTT PALIWAL, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan** : In view of the fact that they broke the conditions on which they had been released.

(Answer with reference to starred questions Nos. 38 to 50, asked by BABU SANGAM LAL, at the Council meeting held on the 9th September, 1924.)

* 38. **The Hon'ble Rai Rajeshwar Bali** : Yes.

* 39. Yes.

* 40. Yes.

* 41. Yes.

* 42. The municipal board called for proposals for a housing scheme as early as April, 1922, but no actual decision was reached until January, 1924. The Improvement Trust made no objection before 1924.

* 43. Yes.

* 44. Yes.

* 45. I went to Allahabad to examine the improvement scheme of the Trust, and for that purpose met the officials of the Trust. They mentioned this dispute, but only incidentally.

* 46. Yes.

* 47. No.

* 48. The staff of the Improvement Trust used to cost about this amount.

* 49. Yes.

* 50. The Government are not prepared to issue general instructions of this tenor. The powers of an Improvement Trust in this matter are defined by the Town Improvement Act. Further, the circumstances of each case require separate consideration.

(Answer with reference to starred question No. 51, asked by Mr. H. DAVID, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Rai Rajeshwar Bali** : Six. The names of the district boards are Bara Banki, Muzaffarnagar, Benares, Saharanpur, Basti and Garhwal.

(Answer with reference to starred question No. 52, asked by Mr. H. DAVID, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Rai Rajeshwar Bali** : Yes, six nominations were made in the year 1923-24, and the boards on which they were made are Balrampur, Dehra Dun, Bareilly, Shahjahanpur, Azamgarh and Lucknow.

(Answer with reference to starred question No. 55, asked by Mr. H. DAVID, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Rai Rajeshwar Bali** : The number of appointments on a monthly salary of Rs. 50 and upwards on the 31st March, 1924, held by the three communities under municipal and district boards is as follows :—

					(a) Municipal board.	(b) District board.
1. Hindus	..	..	..	..	560	896
2. Muhammadans	..	..	..	..	262	265
3. Christians—						
(a) Non-Indians..	..	..	..	..	21	1
(b) Indians	..	..	..	..	22	16

(Answer with reference to starred question No. 57, asked by Mr. H. DAVID, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Rai Rajeshwar Bali** : Miss Misra tendered her resignation after an inspection visit by Miss Commissariat, during which the latter criticized the management of the hospital. The resignation of Mrs. Pant was due to her unwillingness to tour outside Allahabad.

(Answer with reference to starred question No. 67, asked by Mr. H. DAVID, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Rai Rajeshwar Bali** : The list is laid on the honourable member's table.

The List.

Lucknow, Muzaffarnagar, Benares, Ballia, Bareilly, Jhansi, Mau, Orai, Allahabad and Cawnpore.

(Answer with reference to starred question No. 68, asked by Mr. H. DAVID, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Rai Rajeshwar Bali** : No, because it would have given undeserved importance to the matter.

Mr. H. David : Does not the silence of Government show consent ?
No answer.

(Answer with reference to starred question No. 88, asked by RAI BAHADUR LALA SITA RAM, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Mr. S. P. O'Donnell** : (1) The Bareilly workshop was under the Workshop and Machinery division and was not a division in itself.

The officer in charge of this division was responsible for the selection purchase, erection and repair of all machinery on the Sarda Canal.

(2) The annual cost of this division has been—

						Rs.
1922-23	..	..	..	..	..	95,366
1923-24	..	..	..	..	..	48,808

[Only a small proportion of this cost has been in connection with the Bareilly workshops.

(3) Now that nearly all machinery has been purchased and erected this division has been closed from the 1st October, 1924, and the Bareilly workshops will now form a sub-division of the Rohilkhand Canals division. The annual cost will then be about Rs. 20,000.

(Answer with reference to starred question No. 89, asked by RAI BAHADUR LALA SITA RAM, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Mr. S. P. O'Donnell :** (a) This would be impossible.

(b) No. The 15th April, 1924.

(Answer with reference to starred question No. 90, asked by RAI BAHADUR LALA SITA RAM, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Mr. S. P. O'Donnell :** (a) There is no scale.

(b) The sanction of the Council is not required to the creation of a post as such, though if it is votable, the provision of the money necessary to pay for it is dependent on the vote of the Council. The money for this post was found from a lump provision for temporary engineering staff which was voted in 1921-22. Subsequently it was part of the similar non-voted provision.

(Answer with reference to starred question No. 104, asked by LALA BABU LAL, at the Council meeting held on the 9th September, 1924.)

* **The Hon'ble Rai Rajeshwar Bali :** (a) The depressed classes have representatives on most district, but on few municipal boards.

(b) The suggestion will be considered.

(c) Government are not aware of any important minorities standing in need of representation on local bodies.

(Answers with reference to starred questions Nos. 124 to 127, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 9th September, 1924.)

* 124. **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Enumerations are made only in old reserves and grazing dues are realized on cattle in excess of the number entitled to graze by right.

* 125. The first Grievances Committee dealt only with the new reserves.

* 126. The honourable member is referred to the answer to question No. 124.

* 127. Rupees 176 in 1923-24.

Pandit Har Govind Pant: In view of the smallness of the total realizations, will the Government consider the advisability of discontinuing to collect them?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Many small sums make a large sum.

Pandit Govind Ballabh Pant: Will the Government be pleased to take measures to apply the recommendations of the Forest Grievances Committee to the old reserve or to examine the question?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The Government will examine the question.

(Answer with reference to starred question No. 166, asked by DR. SHAFI'AT AHMAD KHAN, at the Council meeting held on the 9th September, 1924.)

***The Hon'ble Rai Rajeshwar Bali:** Government have sanctioned the award of five foreign scholarships annually. No resolution has been passed on the report as none was considered necessary.

Mr. Muhammad Aslam Saifi: May I ask how is it that the Government did not think it necessary?

The Hon'ble Rai Rajeshwar Bali: We are recommending scholarships as every other year.

(Answer with reference to starred question No. 172, asked by DR. SHAFI'AT AHMAD KHAN, at the Council meeting held on the 9th September, 1924.)

***The Hon'ble Mr. S. P. O'Donnell:** (a) and (c). A statement is placed on the table which shows the number of officers and clerks who went with the Government to Nain Tal during the season of 1924, and the cost incurred. A statement is also appended showing the officers referred to in resolution No. A-115/X-10, dated the 24th January, 1922, who go to the hills at their own expense for the period shown against them. It may be noted that the cost of the establishment taken to the hills in 1921 amounted to Rs. 54,608.

(b) Some officers stay at the hills for the whole season, while others stay for varying periods.

(Answer with reference to starred question No. 188, asked by MAHARAJA ABDUL HAKIM, at the Council meeting held on the 21st September, 1924.)

***The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** The question is being examined.

(Answers with reference to starred questions Nos. 5 to 11, asked by TEAKAR HUKUM SINGH, at the Council meeting held on the 19th September, 1924.)

***8. The Hon'ble Rai Rajeshwar Bali:** Yes.

***9. (a)** Yes.

(b) The suggestion is being examined.

***10.** On the 19th November, 1922.

***11.** No formal application was submitted to the District Magistrate. Oral representations were made to him by certain persons and were dealt with by him on the spot.

(Answer with reference to starred question No. 14, asked by THAKUR HUKUM SINGH, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (a) No. The complaint was filed in the court of the Sub-Divisional Magistrate, Nanpara, and transferred to the court of Sardar Autar Singh, Honorary Magistrate.

(b) The complaint was filed on the 5th April, 1924. It was dismissed after two hearings on the 20th June, 1924.

(Answer with reference to starred question No. 15, asked by THAKUR HUKUM SINGH, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (a) A warrant of arrest was issued in the first instance by the Honorary Magistrate over his signature, but was returned unserved during the Magistrate's absence from the district. His reader under a misapprehension re-issued the same warrant without waiting for the Magistrate's return. While this warrant was being executed the constable on duty and other persons who accompanied him were assaulted. Five men were convicted under section 323, I. P. C., in connection with this assault. There was no serious riot and the incident was in no way connected with the fact that the re-issued warrant had not been signed by the Magistrate.

(b) The reader in question has been warned.

(Answers with reference to starred questions Nos. 18 to 29, asked by MR. MUKANDI LAL, at the Council meeting held on the 10th September, 1924.)

***18. Mr. F. F. R. Channer :** The answer is in the negative. Under rule VIII of notification No. 803F/XIV—41A-43 of the 14th November, 1890, under which rights were originally notified in the blocks which constitute the Lansdowne range, Government reserved the right to close for purposes of reproduction one-sixth of the total area. Since 1890 portions of the Lansdowne range amounting to much less than one-sixth have been closed accordingly. At present less than one-twelfth is closed, including portions of the Nauri, Chyula, Silgad, Bhankot, Barswara, Kura, Palkot and Barhon blocks. The closure is to cattle grazing only, and of the closed area a very small portion has recently been wire-fenced for purposes of reproduction.

***19.** The rights mentioned which the people have enjoyed since 1890 have not been modified.

***20.** The honourable member is referred to the reply to question No. 19.

***21.** Information as to the first part of the question is not available.

The reply to the second part is as follows :—

(a) There is no record of how many cattle these villages were allowed to graze in the Lansdowne range on payment in 1890, but they have no claim to graze any at all.

(b) Name of village—

						Number of cows, buffaloes and sheep grazed by right.
Bhankot	..	..	..	..	..	120
Khangad	..	..	..	..	..	40
Sunargaon	..	..	..	..	..	41
Sakhniyan	..	..	..	..	..	260
Bilangi	..	..	..	..	..	103
Ghota Talla (Gowan Talla and Malla)	..	..	..	..	..	200
Juwa	..	..	..	..	..	Nil
Purankot	..	..	..	..	..	Nil

*22. Information as to the first part is not available. With reference to the second part the honourable member is referred to the reply given to starred Council question No. 163 on the 6th September, 1924.

*23. The rights of the people who have rights in the Lansdowne range were revised in 1899. As regards Lansdowne range, this question was answered in the reply given to starred question No. 165 on the 6th September, 1924. The rights of the people elsewhere in the Lansdowne division have not been revised since they were first settled.

*24. The village of Kota Morani has sufficient grazing grounds, and for this reason no grazing rights were given in the Jadla and Pharsula blocks when they were reserved in the 1912 settlement. The area of the blocks was 114 acres, of which 32 were disforested under the recommendations of the Kumaun Grievances Committee in notification No. 540/XIV-77, dated the 27th May, 1924. The block is a small area of dense chir forest and is practically useless for pasture.

*25. The honourable member is referred to the answer to question No. 24. The answer is in the negative.

*26. Before 1922 the villagers were often given very large trees which they had difficulty in cutting up, and large portions of them were wasted. They are now given smaller trees of good quality more suitable to their needs.

*27. Such trees are given.

*28. Grass from five out of 14 blocks of Lansdowne range is sold to the Military Grass Farm for the use of the Government Mule Corps at Lansdowne and Dogadda. The villagers have ample grass left in these blocks.

Mr. Mukandi Lal : Is there any limit to which the Military Grass Farm should cut grass in the Lansdowne division, so as to leave a sufficient margin for the people?

Mr. F. F. R. Channer : They can only cut grass in the five out of 14 blocks. The cutting of grass is beneficial, in that as soon as the grass is cut it can grow again.

Mr. Mukandi Lal : My point is whether sufficient grass is left for the people?

The Hon'ble the President : It is already stated in the reply.

*29. **Mr. F. F. R. Channer :** It is a fact that people who lop leaves of trees for fodder in violation of the rules regulating the lopping of

trees are penalized. It is not a fact that this occurs when no grass is left in the forest, and there is no such shortage of grass except in years of extreme drought. Lopping of trees takes place at all times because the people, especially for buffaloes and goats, prefer to cut leaf fodder.

(Answer with reference to starred question No. 55, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 10th September, 1924.)

*The Hon'ble Mr. S. P. O'Donnell:

				1922-23.	1923-24.
				Rs.	Rs.
(a) (1) Revenue—					
Civil heads	..	..	..	12,48,04,980	12,70,88,426
Debt „	..	..	..	1,18,71,724	5 20,23,177
Total				13,66,76,713	17,91,11,603
(2) Expenditure—					
Civil heads	..	..	..	13,13,47,075	12,90,34,735
Debt „	..	..	..	2,14,04,498	4,97,63,710
Total				15,27,51,573	17,87,98,445

(b) No; but an advance of Rs. 1,03,89,700 was obtained from the Government of India in 1923-24 for capital outlay on the Sarda Canals.

(c) The only new tax imposed in 1923-24 was a tax on motor vehicles under the United Provinces Motor Vehicles Taxation Act. The yield from this tax in 1923-24 was Rs. 1,75,086. Besides the motor tax, court fees and certain stamp duties were enhanced under the United Provinces Court Fees (Amendment) Act, 1923, and the United Provinces Stamp (Amendment) Act, 1923. The income from the enhanced rates during 1923-24 was as follows:—

				Rs.
(i) Court fees	..	..	..	8,80,351
(ii) Stamp duties	..	..	..	2,93,450

(d) (i) Irrigation rates were raised by executive orders from the 1st April, 1923. Similarly, registration rates and copying fees in revenue courts was raised in 1922. In none of the three cases, however, is the exact additional income ascertainable.

(ii) The sale price of excise opium was also raised in 1922 and 1923, but owing to a fall in consumption the result was a loss in revenue in both years.

(e) (i) In 1922-23 the deficit was Rs. 1,60,74,860.

(ii) In 1923-24 there was a surplus of Rs. 3,13,158.

(f) and (g). The information required is given in the statement laid on the table.

(Answer with reference to starred question No. 58, asked by THAKUR HUKUM SINGH, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** A statement is laid on the table showing the total number of criminal cases pending on the 4th September, 1924, together with the dates of their institution and the stage reached by each on that date.

Statement showing the total number of cases pending in the court of SARDAR AUTAR SINGH, Honorary Magistrate, 1st class, Bhangaha, district Bahraich, on the 4th September, 1924.

Number of cases.	Date of institution.	Stage of proceedings.
One case (section 325, Indian Penal Code).	21st August, 1923	Two defence witnesses to be examined and arguments to be heard.
Two cases ..	22nd June, 1924	Accused have not presented themselves in spite of summons on account of the river Rapti being in flood.
Ditto ..	25th June, 1924	Ditto ditto.
Six cases ..	27th June, 1924	Some of the summonses for the accused not duly served. Hence adjourned.
One case ..	11th July, 1924	Ditto ditto.
Ditto ..	15th July, 1924	Ditto ditto.
Ditto ..	17th July, 1924	Case fixed for the 5th September for evidence.
Ditto ..	23rd July, 1924	Service on one of the accused not sufficient. Hence adjourned.
Three cases ..	28th July, 1924	Prosecution evidence has been practically finished.
Two cases ..	31st July, 1924	Cases fixed for evidence for the 17th September, 1924.
Three cases ..	30th August, 1924	Summonses for the presence of the accused have been ordered to be issued.

(Answer with reference to starred question No. 59, asked by THAKUR HUKUM SINGH, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** (a) It was reported on the 4th September, 1924, that only one criminal case had been pending for more than six weeks. No "maximum time-limit" is provided by the law.

(b) In the case referred to, which was a complaint case and not a police case, the accused were on bail throughout. The delay was partly due to the absence of the Magistrate from the district; the parties did not wish the case to be transferred to another court.

(Answer with reference to starred question No. 60, asked by THAKUR HUKUM SINGH, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Mr. S. P. O'Donnell:** (a) The bhusa cess has been commuted for cash payment which is included in the pattas and has so

become part of the rent. The right to dispose of the skins of dead cattle is leased to thekadaris in thekadari villages and sold by auction in kham villages under direct management.

(b) It is understood that these dues were levied before the estate came under the Court of Wards' management. In their present form in which the bhusa cess has become part of the rent and charsa is dealt with as a sayar item and not a cess Government sees no objection to their levy.

(Answer with reference to starred question No. 78, asked by LALA MATHURA PRASAD MEHROTRA, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Rai Rajeshwar Bali :** (a) There are 273 town areas and 48 notified areas in the province.

(b) There are Town Magistrates only in town areas of which only two have non-official Town Magistrates.

(Answer with reference to starred question No. 101, asked by BABU SANGAM LAL, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** (a) About 79.

(b) The cases of these prisoners will be considered on receipt of the recommendations of the Revising Board.

(c) Does not arise.

(d) Government see no reason to release such prisoners at present. Cases will be considered on their merits.

Pandit Jhanni Lal Pande : How long will the Government take in receiving recommendations of the Revising Board ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I think not more than four or five weeks.

Pandit Jhanni Lal Pande : From now ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

(Answer with reference to starred question No. 139, asked by BABU MOHAN LAL SAKSENA, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Mr. S. P. O'Donnell :** The honourable member is referred to the answer given today to starred question No. 82 for the 8th September, 1924.

(Answer with reference to starred question No. 142, asked by BABU MOHAN LAL SAKSENA, at the Council meeting held on the 10th September, 1924.)

***The Hon'ble Mr. S. P. O'Donnell :** The Agent of the Oudh and Rohilkhand Railway has expressed his willingness to surrender such land as the Hindu Sabha may require for the purposes of the Alambagh temple.

(Answers with reference to starred questions Nos. 155 to 157, asked by BABU MOHAN LAL SAKSENA, at the Council meeting held on the 10th September, 1924.)

***155. The Hon'ble Rai Rajeshwar Bali :** (1) Yes.

(2) (a) Rupees 59,930.

(b) Mr. Rhodes. No fee was paid to him.

(c) Ten per cent., approximately Rs. 1,50,000.

*156. An inquiry has been made. The cracks were caused by temperature stresses and are connected with the use of cement instead of lime in the lower part of the chimney, thus imparting too great rigidity to the lower portion of the chimney.

*157. The chimney is in no danger and can be repaired at a cost of under Rs. 1,000 which will be met from the amount provided in the estimate for contingencies.

Mr. Mukandi Lal : How is it that the chimney which was put up only recently cracked so soon ?

The Hon'ble Rai Rajeshwar Bali : The reply has been given.

The Hon'ble the President announced that the time for asking questions was over.

(Answer with reference to starred question No. 3, asked by CHAUDHRI JASWANT SINGH, at the Council meeting held on the 11th September, 1924.)

***The Hon'ble Mr. S. P. O'Donnell :** The answer to the first part of the question is in the negative.

(b) (i) One application	} during the year ending the 31st December, 1923.
(ii) One application	
(c) One application	

(Answer with reference to starred question No. 11, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

***The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** No such orders can be traced.

(Answers with reference to starred questions Nos. 54 to 63, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

*54. **The Hon'ble Mr. S. P. O'Donnell :** No, but the Rajbar is allowed to grant leases of waste land and to extend cultivation.

*55. The rights enjoyed by the Rajbar have been exercised since the occupation of Kumaun with the permission of Government.

*56. No, the forests of Malla Askot, viz., Dafiadhura, Majthamb and Payan, were reserved, vide notifications Nos. 180/XIV—26 and 198/XIV—26, dated the 24th February, 1917, the privilege enjoyed by the Rajbar of receiving one-third of the net profits having been bought for Rs. 10,000. The forests of Talla Askot which have not been reserved have already been worked out and were handed over to the Rajbar. Rupees 35,202 were paid to him as representing his profits from these forests.

*57. Separate accounts are not kept. The honourable member is referred to the answer to Council question No. 56.

*58. So far as Government is aware, no. If the honourable member refers to any specific right which he alleges to have been curtailed and will give particulars, an inquiry will be made.

*59. The reference to confirm of higher powers is not understood. No question of guarantees has arisen.

*60. Yes.

*61. No.

*62. The revenue being settled with the Rajbar, he is to all intents and purposes the malguzar. The Rajbar is responsible for arrangements with his mukhtar or *ghar padhan*.

*63. Does not arise.

(Answer with reference to starred question No. 64, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

*The Hon'ble Mr. S. P. O'Donnell: No forced labour or *begar* is taken by the Government or its officials in Askot.

(Answer with reference to starred question No. 65, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

*The Hon'ble Mr. S. P. O'Donnell: Does not arise.

(Answers with reference to starred questions Nos. 66 to 69, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

*The Hon'ble Rai Rajeshwar Bali: The matter is under consideration.

(Answer with reference to starred question No. 70, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

*The Hon'ble Rai Rajeshwar Bali: A list of the works is laid on the honourable member's table.

(Answer with reference to starred question No. 71, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

The Hon'ble Rai Rajeshwar Bali: 968 acres.

(Answer with reference to starred question No. 72, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

*The Hon'ble Rai Rajeshwar Bali: The waste land available for pasture has been curtailed by $1\frac{1}{2}$ and $87\frac{1}{2}$ acres respectively leased for building and cultivation to the villagers themselves.

(Answer with reference to starred question No. 73, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.)

*The Hon'ble Rai Rajeshwar Bali: The matter is under examination.

(*Answer with reference to starred question No. 74, asked by PANDIT HAR GOVIND PANT, at the Council meeting held on the 11th September, 1924.*)

***The Hon'ble Rai Rajeshwar Bali :** No date can be given.

(*Answer with reference to unstarred question No. 12, asked by HAFIZ HIDAYAT HUSAIN on the 5th September, 1924.*)

Mr. G. B. F. Muir : Rupees 19,629 was spent during the last four years on the presentation of addresses.

The Government (or in some cases the Commissioners) sanction the expenditure.

(*Answer with reference to unstarred question No. 18, asked by HAFIZ HIDAYAT HUSAIN, at the Council meeting held on the 5th September, 1924.*)

Mr. J. R. W. Bennett : (1) A list is laid on the table.

(2) A committee with the Collector of Bareilly as President collected and distributed charitable relief to the sufferers to the amount of Rs. 7,000. The railway company subscribed half of this amount.

(3) No railway servant was in any way responsible for the disaster.

(4) Yes.

List of persons killed in Ramganga train accident occurring on the 14th March, 1924.

Serial no.	Name.	Parentage.	Caste.	Residence.			Age.
				Village.	Thana.	Distriob.	
1	Ram Asray	Mohan Lal	Vaish	Mirohiatola	Killa	Bareilly	20 years.
2	Musammatt Durga	W/o Darshan Lal	Do.	Kawatola	Do.	Do.	40 "
3	Balmakund	Darshan Lal	Do.	Ditto	Do.	Do.	22 "
4	Har Lal	Baldeo Prasad	Kayasth	Shahabad	Kotwali	Do.	12 "
5	Musammatt (name unknown).	W/o Shiam Lal	Vaish	Behadurganj	Do.	Shahjahanpur	24 "
6	Bhawani	Medai	Kabar	Khere	Bhamora	Bareilly	35 "
7	Kudrat Ullah alias Khuda Bux.	Ghulam Muhammad	Shaikh	Azamnagar	Killa	Do.	45 "
8	Bhagwan Das	Ganesh Prasad	Sonar	Malukpur	Do.	Do.	24 "
9	Jailee	Sahar Sukh	Mura	Nawadla	Do.	Do.	35 "
10	Dulli	Gulabi	Do.	Makrandpur	Kotwali	Do.	20 "
11	Musammatt Ketia	Ram Mohan Lal	Vaish	Kawatola	Killa	Do.	8 "
12	Musammatt Sardha	Ditto	Do.	Ditto	Do.	Do.	8 months.
13	Tula Ram	Sham Narain	Brahman	Faridpur	Faridpur	Do.	25 years.
14	Natha Mal.	Ajodhia Prasad	Kayasth	Piparia Buzurg	Gola	Kheri	22 "
15	Amir Dulah	Raza Ali	Chaudhri	Khere Buzurg	Kotwali	Budaun	45 "
16	Fasahat Ullah	Rahmat Ullah	Shaikh	Ditto	Do.	Do.	55 "
17	Musammatt Najia	w/o Mau Singh	Kanjar	Jogitola	Do.	Do.	30 "
18	Narain	Behari Lal	Brahman	Hazratganj	Ujhani	Do.	35 "
19	Abur Rashim	Habib Ullah	Shaikh	Brahampur	Kotwali	Do.	40 "
20	Anwar Hussain	Ahmad Hussain	Jotaha	Sota	Do.	Do.	25 "
21	Musammatt Rajia	W/o Ram Prasad	Kori	Sapat Eazar	Do.	Meerut	20 "
22	Unknown	..	Hindu	..	..	..	45 "
23	Mr. Haiselwood	..	European	..	..	..	30 "
24	Musammatt Furani	..	Hindu	..	..	..	..
25	Unknown	..	Do.	..	..	..	30 years (?).
26	Ditto	..	Do.	..	..	..	35 "
27	Ditto	..	Do.	..	..	..	18 "

N.B.—Of the dead bodies found at the spot 20 were identified and handed over to the heirs; the remaining five were not identified and handed over to Sewa Samiti.

(Answer with reference to unstarred question No. 21, asked by HAFIZ HIDAYAT HUSAIN, at the Council meeting held on the 5th September, 1924.)

Mr. G. B. F. Muir : In some municipalities a non-resident zamindar is exempt from the payment of the tax on circumstances and property. In some he is assessed only in the property possessed by him within the limits of the municipality. Ballia is the only municipality which assesses a non-resident on income earned outside the municipality. In town areas the practice varies in a similar manner. The honourable member's suggestion raises legal issues which are being examined.

(Answer with reference to unstarred question No. 25, asked by BABU NARAYAN PRASAD ARORA, at the Council meeting held on the 5th September, 1924.)

Mr. G. B. Lambert : (a) The Government does not feel called upon to pronounce upon this question. It has been ascertained that in the social customs and practices referred to there are points both of resemblance and of difference.

(b) The practice varies. Children are usually buried, whilst some adults are buried and some cremated.

(c) Yes. This has been done for the sake of convenience and does not profess to embody a decision on the point raised in this question.

(d) Government are unable to accept this suggestion. Other similar claims would be raised and work and discipline would suffer.

(Answer with reference to unstarred question No. 26, asked by BABU NARAYAN PRASAD ARORA, at the Council meeting held on the 5th September, 1924.)

Mr. G. B. Lambert : (a) The answer is in the negative. No such cases have occurred.

(b) Does not arise.

(Answer with reference to unstarred question No. 27, asked by BABU NARAYAN PRASAD ARORA, at the Council meeting held on the 5th September, 1924.)

Mr. G. B. Lambert : Interference with the inmates on this point has been prohibited.

(Answer with reference to unstarred question No. 35, asked by LALA SANGAM LAL at the Council meeting held on the 5th September, 1924.)

Mr. J. R. W. Bennett : (a) Yes.

(b) No.

(c) Does not arise.

(Answer with reference to unstarred question No. 38, asked by KUNWAR KRISHNA PRATAP SINGH, at the Council meeting held on the 5th September, 1924.)

Kunwar Jagdish Prasad : There are 90 seed stores. Seventy-seven are financed by advances from Government; nine (all in the Eastern circle) by means of advances from district boards and four by the Court of Wards. A statement for the year 1923-24 is laid on the table of the honourable member.

DEPARTMENT OF AGRICULTURE, UNITED PROVINCES.

Account of seed stores which worked under supervision of the department during 1923-24.

Serial number.	Name of body providing funds.	Investment.			Gross receipts.			Net profit and loss.	
		Stock of seed brought over from previous year plus fresh purchases this year.	Miscellaneous expenses.	Total investment.	Sales (cash).	Stock remaining in hand at end of the year.	Total gross receipts.	Profit.	Loss.
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1	United Provinces Government ..	1,41,171 0 4	8,990 15 9	1,50,162 0 1	82,228 10 2	86,337 12 3	1,68,566 6 5	18,404 6 4	..
2	Fyzabad district board ..	19,693 2 1	3,537 2 0	23,230 4 1	9,797 0 2	13,911 6 3	23,708 6 5	478 2 4	..
3	Sultampur district board ..	1,531 14 11	389 10 1	1,921 9 0	407 7 3	1,340 3 9	1,747 11 0	..	173 14 0
4	Azamgarh district board ..	2,863 10 3	484 2 6	3,347 12 9	1,574 14 9	1,768 2 9	3,373 1 6	25 4 9	..
5	Ghazipur Court of Wards ..	2,673 11 0	405 5 0	3,079 0 0	493 6 6	2,974 7 9	3,457 14 3	388 14 3	..
6	Benares Court of Wards ..	3,482 11 6	681 11 0	4,144 6 6	1,169 12 9	2,267 4 3	3,437 1 0	..	707 5 6

(Answer with reference to unstarred question No. 39, asked by KUNWAR KRISHNA PRATAP SINGH, at the Council meeting held on the 5th September, 1924.)

Kunwar Jagdish Prasad : The profits from district board seed stores are either returned to the boards or added to the advance and utilized for increasing the stock of seed and opening new seed stores according as the district boards concerned desire.

(Answer with reference to unstarred question No. 60, asked by BABU NEMI SARAN, at the Council meeting held on the 5th September, 1924.)

Mr. J. R. W. Bennett : (a) The attention of Government had not been drawn to the opinion referred to prior to the receipt of this question. Inquiry shows that the dietary was one-third wheat.

(b) No.

(Answer with reference to unstarred question No. 61, asked by BABU NEMI SARAN, at the Council meeting held on the 5th September, 1924.)

Mr. J. R. W. Bennett : (1) Voluntary religious teachers are permitted to visit every jail, but only Fyzabad and Banda District Jails are at present visited by such teachers.

(2) At Banda—

Pandit Badri Prasad.

At Fyzabad—

Babu Surjan Lal Pande, head clerk, Treasury office.

Babu Brij Ballabh Kishore, sub-registrar.

Hakim Muhammad Yahia, physician.

Saiyid Muhammad Mahdi, wakil.

(Answer with reference to unstarred question No. 6, asked by HAFIZ Hidayat Husain, at the Council meeting held on the 6th September, 1924.)

Mr. G. B. F. Muir : The statement is laid on the table.

(Answer with reference to unstarred question No. 28, asked by PANDIT BHAGWAT NARAYAN BHARGAVA, at the Council meeting on the 6th September, 1924.)

Kunwar Jagdish Prasad : It is regretted that the information asked for is still not available. It will be supplied to the honourable member separately when it is obtained.

(Answer with reference to unstarred question No. 35, asked by LIEUT. CHAUDHRI BALWANT SINGH at the Council meeting held on the 6th September, 1924.)

Kunwar Jagdish Prasad : The number is 178, of whom 42 are Hindus.

(Answer with reference to unstarred question No. 37, asked by MR. H DAVID, at the Council meeting held on the 6th September, 1924.)

Mr. G. B. F. Muir : The rat campaign as a preventive against plague was pursued only in the 1922 in districts of Azamgarh, Gorakhpur, Ballia and Ghazipur. The number of rats killed in each district during 1922 is as follows :—

Azamgarh	..	..	..	..	..	38,073
Gorakhpur	..	..	..	..	..	1,236
Ballia	..	..	..	..	..	1,600
Ghazipur	..	..	..	..	..	3,927

(Answer with reference to unstarred question No. 72, asked by RAI BAHADUR LALA SITA RAM, at the Council meeting held on the 6th September, 1924.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The scale of clothing was fixed in 1921. The rates of subsistence allowance were fixed in 1877, but the lowest scale was raised from 2 to 5 annas in 1918. Government are considering the question of further amendments in the rates.

(Answers with reference to unstarred questions Nos. 74 to 77, asked by RAI BAHADUR LALA SITA RAM, at the Council meeting held on the 6th September, 1924.)

74. **Mr. G. B. F. Muir :** (1) About 15 years.

(2) 10th April, 1924.

(3) Miss Misra tendered her resignation after an inspection visit by Miss Commissariat during which the latter criticized the management of the hospital.

(4) 15th April, 1924.

(5) Miss Misra is not a Government employée and her resignation was not received by Government

(6) Miss G. Marchant.

(7) Miss Misra was drawing Rs. 200 per mensem and no allowances. The new appointment has been made on the same pay.

75. The Government are not in possession of Miss Misra's resignation. The number of in-door and outdoor patients required is as follows:—

				Outdoor.	Indoor.
1913	...	...	...	11,070	427
1921	...	..	...	20,485	618
1922	...	...	...	20,505	565
1923	...	...	...	19,952	552

76. No.

77. Yes.

(Answer with reference to unstarred question No. 3, asked by MR. MUHAMMAD ASLAM SAIFI, at the Council meeting held on the 8th September, 1924.)

Mr. G. B. F. Muir : (1) Yes.

(2) Yes.

(3) Yes.

(4) A grant of Rs. 2,000 has been given in the current year.

(Answer with reference to unstarred question No. 5, asked by MR. MUHAMMAD ASLAM SAIFI, at the Council meeting held on the 8th September, 1924.)

Mr. G. B. F. Muir : (1) Yes, but the anticipated deficit is now said to be Rs. 6,000 only.

(2) Rupees 30,000 is said to have been spent on the building.

(3) The statement seems to be substantially true.

(4) Government have no funds from which to make a special grant.

(Answer with reference to unstarred question No. 11, asked by CHAUDHRI JASWANT SINGH, at the Council meeting held on the 8th September, 1924.)

The Hon'ble Mr. S. P. O'Donnell : Inquiry is being made. A reply will be given at a later date.

(Answer with reference to unstarred questions No. 20, asked by CHAUDHRI JASWANT SINGH, at the Council meeting held on the 8th September, 1924.)

Mr. G. B. F. Muir : Inquiries are not yet complete. An answer will be given later.

(Answers with reference to unstarred question Nos. 22 and 23, asked by RAI BAHADUR THAKUR MASHAL SINGH, at the Council meeting held on the 8th September, 1924.)

22. **Mr. C. E. D. Peters :** (a) Hardoi tahsil, 783.

	Shahabad tahsil,	372.
	Sandila "	172.
	Bilgram "	155.
(b)	Hardoi "	87.
	Shahabad "	8.
	Sandila "	98.
	Bilgram "	134.

(c) None.

(d) Does not arise.

(e) Does not arise.

23. Does not arise.

(Answer with reference to unstarred question No. 27, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : A statement is laid on the honourable member's table.

(Answer with reference to unstarred question No. 28, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : (a) Yes.

(b) Mr. Ghulam Mustafa was appointed because he was considered suitable for the post.

(Answer with reference to unstarred question No. 29, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : Since the 1st January, 1924, three such clerks have had their services terminated or have left, viz., Kunj Behari Lal, B. N. Tandon and J. N. De. The first of these was replaced by P. N. De, who left of his own accord on the 17th April, 1924, and was replaced by Mr. S. M. Sufyan, the second by Mr. Abdul Majid, and the third by Mr. Faruqi.

(Answer with reference to unstarred question No. 30, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : Yes.

(Answer with reference to unstarred question No. 31, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : As the suspension was *ultra vires* and was cancelled, Government consider that no useful purpose would be served by laying on the table Mr. Rafle's report.

(Answer with reference to unstarred question No. 32, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : Nobody.

(Answer with reference to unstarred question No. 33, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : The suspension having been *ultra vires*, there was no reinstatement. Mr. Ghulam Mustafa merely resumed his duties.

(Answer with reference to unstarred question No. 35, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : The following are the subjects taught in the Government School of Arts and Crafts, Lucknow :—

- | | |
|--|--|
| (1) Fine Art, including portrait and landscape painting. | (7) Ironsmithing. |
| (2) Drawing for reproduction | (8) Wood-work, including cabinet-making, turning, carving, inlaying and polishing. |
| (3) Architectural draughtsmanship. | (9) Architectural decoration in colour and relief. |
| (4) Goldsmithing and jewellery. | (10) Lithography. |
| (5) Silversmithing. | (11) Photo-mechanical reproduction |
| (6) Brass and coppersmiths work. | |

(Answer with reference to unstarred question No. 36 asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : The answer to both parts of the question is in the affirmative.

(Answer with reference to unstarred question No. 37, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : Both vacancies have been advertised.

(Answer with reference to unstarred question No. 38, asked by PANDIT BRIJNANDAN PRASAD MISRA, at the Council meeting held on the 8th September, 1924.)

Kunwar Jagdish Prasad : No.

(Answer with reference to unstarred question No. 39, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 8th September, 1924.)

Mr. G. B. Lambert : A statement is laid on the table.

(Answer with reference to unstarred question No. 40 asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 8th September, 1924.)

Mr. C. E. D. Peters : (a) Yes.

(b) (i) 4,805 acres.

(ii) For first two years—free. For the second two years—Rs. 2 per acre for the area cultivated. From the 1st April, 1923, for a period of 30 years, the lessee pays—

(a) for the first ten years Rs. 2,750.

(b) for the second ten years Rs. 5,500.

(c) for the third ten years Rs. 6,200.

(iii) Ninety years.

(c) 5th August, 1920.

(d) It is understood the lessee has spent a considerable amount of money in clearing and improving the land, but Government have no information as to the amounts.

(e) It is understood that the lessee has not been so far successful.

(Answer with reference to unstarred question No. 15, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 9th September, 1924.)

Mr. G. B. Lambert: (a) Yes, all.

(b) Quarters are provided for 46 patwaris out of 80 in the Garhwal district only. Their headquarters are fixed but not notified in the Garhwal and the Almora districts: in the Naini Tal district their headquarters are not fixed or notified, but they live within their circles.

(c) A scheme has been under consideration to provide quarters for all patwaris: the cost is estimated at Rs. 1,70,000 non recurring and Rs. 8,800 recurring expenditure, and until Kumaun can contribute to provincial revenues a greater proportion of the cost of its administration, it is not likely that the scheme can be carried out.

(Answer with reference to unstarred question No. 16, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 9th September, 1924.)

Mr. C. E. D. Peters: (a) Economy.

			Rs.
(b) (i)	Superintendent	...	1,150 per mensem.
	Executive Engineer	...	1,000 do.
	Total	...	2,150 do.
(ii)	Combined post	...	1,525 do.

The time-scale was raised after amalgamation.

(c) (i) Two for Superintendent and two for Executive Engineer.

(ii) Two.

(d) (i) Yes; as Special Manager of the estates subject to the control of Deputy Commissioner, Naini Tal, and also as Executive Engineer.

(ii) Yes.

(e) No. The positions are entirely different.

(Answer with reference to unstarred question No. 17, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 9th September, 1924.)

Mr. G. B. F. Muir : (a) The population enumerated at the census was 2,855.

The summer population is much larger.

(b) and (c) Figures are not available.

(d) There are 170 shops. Separate figures for Malli Tal and Talli Tal are not available.

(e) No.

(Answers with reference to unstarred questions Nos. 18 and 19, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 9th September, 1924.)

18. **Mr C. E. D. Peters :** (a) The total revenue from grazing in the districts of Almora, Garhwal and Naini Tal during 1923-24 was Rs. 9, nil, and Rs. 1,673 respectively. This revenue was obtained from old reserves. No grazing revenue is obtained from the new reserves in any of the districts. In addition to the above sums, Rs. 2,771 and Rs. 1,415 were realized from passes issued for animals of Bhotia traders in the Almora and Garhwal districts respectively.

(b) Yes, in the old reserves. The amounts collected during 1921-22, 1922-23 and 1923-24 were Rs. 927, Rs. 1,386 and Rs. 1,673 respectively.

19. (a) Records of cattle dying are not kept, but there is no information that any cattle died last summer near Bhowali for want of fodder.

(b) There are now no restrictions on the lopping of oak in the new reserves except in areas temporarily closed for regeneration, etc. In the old reserves the oak forests are maintained for the supply of fuel and charcoal and no general permission to lop oaks in the summer months can be given.

(c) The following areas are closed near Bhowali:—

Bhowali compartments 22-24=240 acres, to grazing only, for 20 years, with effect from the 1st October, 1911.

Sat Tal compartment 2 (part)=20 acres, Ninglat compartments 1 and 2=382 acres, and Gagar compartments 20, 21 and 22=439 acres closed to grazing only, for 12 years, with effect from the 28th May, 1923.

(d) These areas will be opened when the period of closure expires.

(Answer with reference to unstarred question No. 22, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 9th September, 1924.)

Mr. C. E. D. Peters : (a) 84 acres 3 roods and 13 poles.

(b) An answer cannot be given without a detailed survey of the patti. Villagers are permitted to extend their measured cultivation without previous sanction, provided that the extension is terraced.

(c) Four—

- (1) Extension $2\frac{1}{2}$ acres, fine Rs. 100.
- (2) Ditto 2 do. do. 200.
- (3) Ditto 2 roods do. 100.
- (4) Ditto 3 acres do. 100.

These convictions were for unauthorized extensions, not for extensions authorized by the permission referred to under the reply to part (b).

As to (2), a deterrent sentence was called for because in the race to stake out claims at Ramgarh the accused was a particularly outrageous offender in the matter of illegal clearings.

(d) No. The second part does not arise.

(Answers with reference to unstarred questions Nos. 24 to 26, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 9th September, 1924.)

24. **Mr. C. E. D. Peters:** (1) Binolia compartments 4 and 7 for 12 years.

(2) Barhon compartment 7 for 12 years. The nearest village affected is about half a mile from a closed area.

25. At present most of the coniferous and *sal* forests are of commercial value. It is impossible to forecast future developments and market demands. It is accordingly not possible to prepare a statement of the forests which possess commercial value and are likely to yield profits.

26. (a) Yes.

(b) By municipal board 1,445.6 acres.

By Cantonment Committee 374 acres 2 roods and 29 poles.

(c) Yes.

Municipal board, Naini Tal, average of last three years Rs. 1,508.

Cantonment Committee, average of last 10 years Rs. 1,716.

(Answer with reference to unstarred question No. 35, asked by PANDIT GOVIND BALLABH PANT, at the Council meeting held on the 9th September, 1924.)

Mr. G. B. F. Muir: (a) and (b) Between 1884 and 1886 as far as can be ascertained.

(c) and (d) No.

(e) Yes.

(Answer with reference to unstarred question No. 55, asked by BABU NARAYAN PRASAD ARORA, Council at the meeting held on the 9th September, 1924.)

Mr. J. R. W. Bennett: (a) In the ordinary course of official business.

(b) The District Judge of Shahjahanpur reported that a monthly saving of Rs. 20 would be effected from the 5th September, 1923, in consequence of the death of his head clerk.

(c) The Government order referred to was merely a request for information and no employees retired in consequence of it. It is not

understood to what orders the honourable member refers. Government cannot undertake to issue any such orders.

(Answers with reference to unstarred questions Nos. 3 and 4, asked by BABU MOHAN LAL SAKSENA, at the Council meeting held on the 10th September, 1924.)

3 and 4. **Mr. G. B. F. Muir**: Inquiries are not yet complete. Answers will be given later.

(Answer with reference to unstarred question No. 14, asked by BABU MOHAN LAL SAKSENA, at the Council meeting held on the 10th September, 1924.)

Mr. J. R. W. Bennett: A statement is laid on the table.

(Answer with reference to unstarred question No. 37, asked by PANDIT YAJNA NARAYAN UPADHYA, at the Council meeting held on the 10th September, 1924.)

Mr. J. R. W. Bennett: The honourable member is referred to the answer given to starred question No. 47 of the 31st March, 1924, when a statement was laid on the table showing the more important reforms effected in the jail administration as a result of the recommendations of the Indian Jails Committee.

The action taken on the specific recommendations referred to is noted below.

(a) and (b). The honourable member is referred to Government resolution No. 2778/VI—857, dated the 29th August, 1924.

(c) There is no reference in paragraphs 490 and 497 of the Indian Jail Committee's report to the instruction of female prisoners. The recommendation made in these paragraphs for the concentration and classification of female prisoners and the provision of a matron or female warder at jails where they are confined have been accepted by Government and put into effect.

(d) Government already provide funds to assist prisoners on release and are anxious to encourage Prisoners' Aid Societies, but so far little practical assistance has been received from the public.

(Answer with reference to unstarred question No. 39, asked by PANDIT YAJNA NARAYAN UPADHYA, at the Council meeting held on the 10th September, 1924.)

Mr. G. B. F. Muir: One death resulted from this cause. The gas pipe has been disconnected.

(Answer with reference to unstarred question No. 514, asked by BABU MOHAN LAL SAKSENA, at the Council meeting held on the 10th September, 1924.)

Mr. J. R. W. Bennett: A statement is laid on the table.

THE DEATH OF MR. MONTAGU, EX-SECRETARY OF STATE FOR INDIA.

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: I beg to move that this Council records its deep sense of sorrow at the untimely death of the late Secretary of State for India, Mr. Edwin Samuel Montagu. It is not only we who are lamenting his untimely death here, but throughout the length and breadth of this country they are mourning the death of

[The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.]

the greatest friend this country ever had. He was not only the greatest friend of India but he was one of the most brilliant statesmen—there is no doubt about it—England ever produced, and by his untimely death the world is poorer. When he came here as Under Secretary of State I had the pleasure of meeting him personally and again when he came as Secretary of State I met him at Delhi, and I was so deeply impressed that I was of opinion and I still hold the same opinion, that I have never come across a more brilliant man than Mr. Montagu. I pray that his soul may rest in peace.

Rai Bahadur Lala Sita Ram : It is but in the fitness of things that this House which owes its existence mostly to the efforts of Mr. Montagu should say a few words in grateful memory of that eminent statesman. Professions of sympathy we have had in abundance in the past and I am sure we shall have them in abundance hereafter, but Mr. Montagu was a statesman who had not only convictions and who not only gave expression to these convictions in an unmincing language, but who had courage to translate his convictions into practice for benefiting a dependent and down-trodden country. Sir, I consider Mr. Montagu to be the greatest benefactor India has had in England. So long as the history of India lasts and so long as the people of India have a grateful memory, they will ever enshrine the memory of Mr. Montagu, who has had the courage of putting India on the road to responsible self-government. It was to his resourcefulness, to his tact, to his initiative and to his driving power that we owe the reforms with which his name is so prominently associated. I shall not speak of his speeches in the House of Commons which he made as Secretary of State for India, but if it was only left to the Reforms which we at the present stage and in the past also have considered inadequate but which we know—perhaps we did not appreciate enough—he had a lot of difficulty in putting through, we shall ever remember with gratefulness what he has given to us, however inadequate that may be.

Hafiz Hidayat Husain : I rise to endorse all that has been said by the Hon'ble the Minister of Industries and Rai Bahadur Lala Sita Ram on the sad death of the Right Hon'ble Mr. Montagu. Mr. Montagu was only 45 years of age when he died. Out of these, he was 17 years in the Parliament and out of these 17 years he spent eight years in the service of this country. I think he might well be called a member for India, because all the time he was in the British Parliament he brought to bear on the consideration of Indian problems that sympathy which was the characteristic of the man. The famous declaration of the 20th August, 1917, came from him. After this he paid his momentous visit to India during which he conferred with representative bodies and the result of that conference was the Government of India Act, 1919, which has been the fountain-head of this reformed legislature. Opinions may differ, but it cannot be denied that the measure is a substantial advance towards the grant of responsible government to the people of India.

I, as a Muhammadan, recall with gratitude the efforts that Mr. Montagu made for the *Khilafat* cause all the time that he was in the British Cabinet. He was one of the most ardent exponents of Muhammadan views on the *Khilafat* and no Muhammadan who has read or heard his utterances on the subject can fail to feel that he owes him a very deep debt of gratitude which he cannot repay. The occasion on which

he had to retire is fresh in the minds of all of us and I will not refer to it here. I recall with gratefulness all that he did for the removal of the bar against Indians to secure the King's commission in the army and for the widening of franchise in India, his sympathy for Indians, and his services in the *Khilafat* cause.

The Hon'ble Rai Rajeshwar Bali : I rise to second the resolution that has just been moved by my honourable colleague, the Nawab Sahib of Chhatari. We all deeply deplore the sad and untimely death of one of the greatest Secretaries of State for India. We cannot pay sufficient tribute to the memory of that great friend and benefactor of India, the father of the Reforms under which we are working here today. His love of India is well known. Indeed it is said that even at the age of 45 just before his death he was looking quite old. That was due to the fact that he felt his political disappointment so much that he was almost worn out at that early age. It was not as a matter of personal ambition that he felt that disappointment, but it was because of the great love that he had for India and because he thought that he was deprived of opportunities of doing any more service to it. We cannot be too grateful for all that he has done.

It is indeed a cruel irony of circumstances that the same hand of Fate which has removed from amongst us several of our distinguished countrymen in the prime of life has not spared Mr. Montagu to devote himself to the betterment of India, a cause which he had so much at heart. We all deeply mourn his death.

I hope the House will pass this resolution unanimously.

Pandit Govind Ballabh Pant : I associate myself with the remarks of the previous speakers. Our views in respect of the Reforms are not unknown—I mean the views of the body to which I have the honour to belong and in certain respects we regard the main features of dyarchy as unworkable, but that does not in any way affect our regard for the Right Hon'ble Edwin Samuel Montagu. It is not for his achievements that we always honour a man or cherish his memory but for the spirit that underlies his activities, for the motives that actuate him, and for the aims that he places before himself. Mr. Montagu was always inspired with a genuine love of India; his faith in its destiny was profound and his zeal in the cause of Indian self-government was unflagging and vigorous. He worked for the Reforms with all the earnestness and sincerity that can ever be brought to bear upon a question of such magnitude by any talented statesman. He worked night and day and he tried his best to expand their scope so far as it was within his power. We have after all to take note of the fact that men working in democratic institutions have to labour under serious limitations and that was the difficulty of Mr. Montagu too; but so far as his efforts went, he always tried to enlarge the scope of Indian activities and of Indian reforms. It is for this reason in particular that we feel indebted to him. There was hardly any Secretary of State for India who was so brilliant, but there is no dearth of talent in England. So far as India is concerned, it is our misfortune that there are very few who can stand for the right and, regardless of their own interests, can espouse the cause of a fallen country and of a down-trodden people.

[Pandit Govind Ballabh Pant.]

It is because, as Rai Bahadur Lala Sita Ram has remarked, Mr. Montagu had the courage of his convictions and sincerity of purpose which inspired him to fight for a people who cannot in any way help those who help them, that we respect him and honour his memory. In the year 1919 the Indian National Congress paid a tribute to what he had done and we today are very sorry that at the time when the number of friends of India, whatever differences of opinion there may be between them and other schools of thought in this country, is dwindling, a man of powerful intellect inspired with genuine sympathy for our cause should have left us.

The Hon'ble Mr. S. P. O'Donnell : After the eloquent tributes to which we have listened there is little left for me to add. Mr. Montagu's name will be indelibly associated with the Reforms which were brought into being by the Act of 1919. There may be, there doubtless are, differences of opinion regarding the Reforms, and the final verdict will rest not with any of us, but with history. But of this at least we may be sure that, whatever that verdict may be, history will do justice to the zeal, to the energy, to the ability, and the devotion which Mr. Montagu brought to his great office, his affection for the people of India, and his concern for the welfare of this country.

The motion was put and adopted unanimously.

ANNOUNCEMENT OF HIS EXCELLENCY THE GOVERNOR GENERAL'S ASSENT TO THE UNITED PROVINCES BOARD OF REVENUE (SECOND AMENDMENT) ACT.

The Hon'ble the President : I have to announce to the Council that the United Provinces Board of Revenue (Second Amendment) Act, V of 1924, which was passed by the Legislative Council on the 5th September, 1924, received the assent of His Excellency the Governor General on the 17th October, 1924.

RESOLUTION *re* EXTENSION OF THE *DIWALI* AND *HOLI* HOLIDAYS.

Rai Jagdish Prasad Sahib : The resolution which stands in my name runs thus :—

That this Council recommends to the Government that the 15th day of the month of Kartik, being the day on which the Hindu festival of *Diwali* falls and the last day of the month of Phagun, being the day on which the Hindu festival of *Holi* falls, be declared as gazetted holiday in addition to the holidays given at present on account of these two festivals.

The resolution as it stands hardly needs any elaborate treatment on my part. The *Holi* and *Diwali* are two of the most important festivals of the Hindus and it is a wonder that the 15th day of the month of Kartik on which the *Diwali* falls and the last day of Phagun on which the *Holi* festival falls are not at present included in the list of gazetted holidays. Of course the two days following the *Diwali*, namely, the day on which Gobardhan *puja* takes place and the Bhaiya Duaj day are

observed as holidays on account of the *Diwali* festival ; but, Sir, the 15th day of Kartik on which the *Diwali* actually falls is at present a working day. This is rather amazing. On the *Diwali* day the Hindus worship their goddess Lakshmi, distribute sweetmeats among their relations and friends, make preparations for illuminations which are held the same evening, and engage themselves in other festivities. It is therefore essential from the social and religious point of view of the Hindus that the *Diwali* day be allowed to be observed as a holiday to facilitate their proper observance of these religious rites and festivities. But since the two days following the *Diwali*, namely, the Gobardhan *puja* and the Bhaiya Duaj day are equally important from the religious standpoint of the Hindus I recommend that the *Diwali* day be declared a gazetted holiday in addition to the two days following it.

Similar is the case with the *Holi* festival. This festival falls on the last day of the month of Phagun and the following day is called the Dholandi day. From the social and religious standpoint of the Hindus both these days are equally important. On the first day—that is the last day of the month of Phagun on which the *Holi* festival falls—the Hindus worship, make preparations for setting up the *Holi* which is afterwards worshipped and burnt in the night, and engage themselves in merry-making in other ways. In some places I understand they play with *goolal* and coloured water even on this day. The next day, that is the Dholandi, day, they generally devote to playing with *goolal* and coloured water. So from a religious and social standpoint both these days are equally important. Hence I would recommend that the last day of Phagun on which the *Holi* festival falls be declared as a gazetted holiday in addition to the next day which is already so observed at present. With these words I beg to commend the resolution to the acceptance of the House.

Babu Sangam Lal : Generally, I am not in favour of more days being added to the list of public holidays, but I support this resolution on personal grounds on account of peculiar circumstances. Sir, when I received this agenda and the very first item that I read was a resolution for two additional holidays, then, Sir, I thought that it was after a month's agitation that we could induce the provincial representative of the King-Emperor to give six days to us for business and we were very anxious to do work, how is it that the very first resolution should ask for more holidays ? Then I read the name of the gentleman moving the resolution. For two minutes I could not divine the reason but by putting two and two together, it occurred to me that it was in the fitness of things that Rai Jagdish Prasad Sahib should move this resolution. Sir, some two months back he was made to stand in the sun for two hours by Mr. Darling.

The Hon'ble the President : The honourable member must confine himself to a discussion of the resolution.

Babu Sangam Lal : I will not take more than two minutes. He was made to stand, Sir, for two hours in the sun—

The Hon'ble the President : I have already asked the honourable member to confine himself to the resolution.

Babu Sangam Lal : I then thought, Sir, that the honourable mover wanted some relief, but he had no relief, and now as the relief he wanted was not given, he was seeking it in the shape now of two additional holidays being granted.

The Hon'ble Mr. S. P. O'Donnell : I regret that I have to oppose this resolution. At present two days are granted for the *Holi* and two days for the *Diwali*. These holidays are not on the days on which the festivals actually fall but on the two following days. I understand the reason is that the festivals begin in the evening. Now, if it is suggested that the distribution of these holidays be altered, that one holiday be given on the day the festival actually falls and the other on the following day, that is another matter. As far as I can see, there would be no objection to redistributing these holidays. But I must deprecate any addition to the total number of holidays. I have had a calculation made and I find that, if we include the last Saturdays and Sundays and the local holidays, there are 113 holidays in the year.

Rai Bahadur Lala Sita Ram : Why not do away with the last Saturday?

The Hon'ble Mr. S. P. O'Donnell : The last Saturday is an old custom in the offices and there would be great opposition if it were refused now. There are, as I said, 113 holidays in the year. That is very nearly one-third of the whole year is holidays. I do not think there is any other country in the world where so many holidays are granted, and it is not in the interests of the trade and the prosperity of the country that the number of holidays should be further increased. I have no objection, as I said, to an alteration of the distribution of these holidays. If it is desired to curtail one day at the end and add one on the day on which the festival falls, I can see no objection to that. But I do deprecate the suggestion that there should be three holidays instead of two.

Pandit Nanak Chand : I am one of those who would not like the number of holidays to be increased, but unfortunately the case of *Holi* and *Diwali* days is exceptional. I had expected that there would be no opposition to this simple resolution because it recommended that two important Hindu festivals which are celebrated by every Hindu, to whatever section he might belong, whether he is orthodox or is one who holds advanced liberal opinions, should be declared holidays. But for some reason which is not intelligible to me the two days do not happen to be holidays. It has been said by the Hon'ble the Finance Member that he is quite prepared to agree to a redistribution of these holidays. But, as has already been pointed out by the honourable mover, the two days succeeding *Diwali* are also festivals of importance and I am afraid no redistribution of the holidays will afford the relief which is solicited by this resolution in respect of *Diwali*. The same is the case with *Holi* holidays. We have been reminded that there are 113 holidays throughout the year and it was pointed out that last Saturdays are also holidays. Last Saturdays have got no religious or social significance to any of the three important communities inhabiting these provinces and these days can be declared, in the interests of official work, to be working days and the two days can be easily declared holidays. It has been pointed out by the Hon'ble the Finance Member that these two festivals take place in the evening. But I may remind him that these two festivals require some domestic preparation for

celebration and the fact that these two days are working days acts as a real hardship on the official employees as well as on the persons who have to be present in courts in connection with the cases as parties or as witnesses. For this reason I would strongly support the resolution and hope that Government will give effect to the recommendation of the Council which, I trust, will be passed by almost the unanimous vote of this House, at least of the non-official members, and I would urge the Hon'ble the Finance Member to withdraw his opposition. I would just submit one point for the consideration of the Hon'ble the Finance Member and it is this, as he happens to belong to the Christian religion: If it were suggested to him to have redistribution of his Christmas holidays, excepting the Christmas day, then I feel sure he will at once feel the enormity of the suggestion. He being a member of a different religion cannot perhaps think of our feelings on this question as intimately as he would do in the case of his own religious festival. I wish the Hon'ble the Finance Member to realize the effect of his suggestion by this painful contrast.

Rai Bahadur Thakur Mashal Singh : Generally, I am against any addition to the present number of holidays because it adds to our expenditure in one way. The value of two working days and the out-turn of work which the Government officers do will be lost. But in this particular case I give my whole-hearted support to the resolution moved by my honourable friend sitting on my right. The objection which the Hon'ble the Finance Member has taken, I think, should not be allowed to stand because by the addition of two days we are even ready to concede that twelve last Saturdays may be cut down. We will not mind it. As for the argument that it is an old practice and that it will be a hardship on the clerks and Government officers I do not think there will be any hardship. They are public servants and they must do their work. If the Government give them holidays they may enjoy it; if not, they must work. If, however, the Government do not agree to this view, they may allow ten last Saturdays and one last Saturday in the month of March or February in which month the *Holi* festival falls and the last Saturday of the corresponding month in which the *Diwali* festival falls may be curtailed. In this way there will be no loss to the Government and there will be no hardship to the officers or the clerks. Besides this, we must look, not only to the convenience of the clerks and officers of the Government but also to the convenience of the general public and litigants who have to travel to the headquarters of a district on *Diwali* and *Holi* days when they have cases. On these two particular days every sort of work is prohibited according to our religion. So I would insist and say with all the force at my command that this resolution must be supported and must be passed.

Raja Shambhu Dayal spoke in Urdu.

Hafiz Hidayat Husain : On Friday last I sent an amendment to this resolution under a registered cover to the address of the Secretary of the Council but I find that the Secretary has not included my amendment in the agenda. Therefore if the Council will permit me I will move an amendment to this resolution. My amendment is this:—

“That the *Muharram* holidays in the Court of the Judicial Commissioner of Oudh and all courts subordinate to that court and the High Court of Judicature at Allahabad be restored to 10 days.”

The Hon'ble Mr. S. P. O'Donnell : I rise to a point of order. First, this amendment was not received in time, and secondly, it appears to me to be entirely outside the scope of the present resolution as the *Muharram* holidays have nothing to do with the *Holi* and the *Diwali* holidays.

The Hon'ble the President : Waiving the question of the failure of notice, I hold that the proposed amendment is outside the scope of the resolution, and I accordingly do not admit it.

Mr. Muhammad Aslam Saifi : I am going to speak in support of this resolution not for any personal reasons, like my honourable friend Babu Sangam Lal, but for the selfish reason that I propose to bring forward a resolution myself for the extension of a few more holidays. But at the same time I fully appreciate the view-point that has been ventilated by my honourable friend the mover of the resolution, specially the religious grounds that he has put forward before the Council. These are two very important and interesting holidays, and I suppose Muhammadans as well take a social interest in them. I at least look forward to these days because on the *Holi* day my Hindu friends call on me, and they do so just as they do with their own Hindu friends, and similarly on the *Diwali* occasion. There is not the least doubt that we Indians right from our boyhood are always fond of holidays. In our school-days nothing interested us more than our trying to get a few more holidays than what were fixed usually by our Principals and Headmasters as the case may be. I know that it is a point which is always very keenly contested both by the boys and the school masters. I remember that in connection with the Municipal Education Committee we devoted practically a whole day to the settlement of holidays. The same is the case with regard to other institutions. In this connection I thought the Hon'ble the Finance Member would put before the House in the shape of figures the loss that Government would incur. He has only told us that already there are about 113 holidays in a year. I think this could be met by the argument that if two more holidays are added to the number, it would not make any very great difference. The number would be 115 instead of 113. I therefore support this resolution.

Rai Jagdish Prasad Sahib : I understand the view-point of the Hon'ble the Finance Member in saying that there are already so many public holidays on the list, but as I said before the *Holi* and *Diwali* are two of the most important festivals of the Hindus and two days can easily be spared to be added to these holidays from last Saturdays that are observed as holidays. As my friend Rai Bahadur Thakur Mashal Singh has pointed out, even if we take out two days from last Saturdays ten days will still remain.

As regards the idea of the Hon'ble the Finance Member that these festivals commence in the evening, I have already pointed out that on the *Diwali* day the Hindus distribute sweetmeats, worship their goddess Lakshmi, and make preparations for the illuminations which are no doubt held in the evening. Similarly, on the *Holi* day the Hindus worship, make preparations for setting up the *Holi* and busy themselves in merry-making and enjoyment. Besides, in some places they play with *goolal* and coloured water even on this day. Even in civil courts holidays are given on these two important festivals. As I said before, the two days following the *Diwali* and the day following the *Holi*

are also very important; so a redistribution of holidays will, I am afraid, not do. I would therefore request the Government to accede to my request which I consider is very reasonable and very essential from the Hindu religious point of view.

The Hon'ble Mr. S. P. O'Donnell: I am sorry that my suggestion regarding redistribution of holidays has been misunderstood. I put it forward in all good faith. It occurred to me that a possible solution might be found along those lines. It appears, however, that there are religious objections to that idea. Therefore I do not wish to press the suggestion. It has also been suggested that it might be possible to provide these extra days by scrapping some other holidays. This is a suggestion which I am quite prepared to consider. There are, for example, seven local holidays and we might be able to cut down some of those, or there may be other holidays which can be reduced. My opposition was based solely on the consideration that the total number of holidays is already very large and it is not desirable to increase it. But, provided the total number of holidays is not increased, I am quite prepared to consider any redistribution that may be practicable.

The resolution was put and adopted.

RESOLUTION *re* RELEASE OF PERSONS CONVICTED OF A RIOT AT GONDA IN 1923.

Babu Bindeshwari Prasad: The resolution which I have the honour to move runs as follows:—

That this Council recommends to the Government that the Hindus and Muhammadans convicted in the Gonda *Muharram* riot that took place in the year 1923 be at once released as their release is likely to bring about better understanding between the communities.

The riot that took place in Gonda was not the kind of riots that have since taken place in Lucknow, Allahabad and other places. There was no *marpiti*. There was no beating of innocent men on the wayside or a continuance of the riot for days and days together. The relations between the two communities in Gonda have never been in any way bad. They were always the best that could be expected. It was a surprise to almost every Hindu and Muhammadan when all of a sudden, on account of a few misguided fanatics, there was a raid on a Hindu temple on the 9th of *Muharram* at the dead of night. But it will appear that even these few misguided fanatics who raided the temple were probably ashamed of their action, because when they were inside the temple they did not touch the idol of the Hindus. They left the temple, although there was nobody to obstruct them at that hour of the night. In the morning Hindus and Muhammadans tried to bring about a settlement and it appeared that the occurrence of the night had actually been forgotten, because the Hindus and Muhammadans were quite satisfied with the arrangement that was arrived at and the Shia procession of the *tazia* which actually takes place between 8 and 9 passed off without any hindrance. But at about 2 o'clock in the day, when the procession of the *tazias* was to pass through the city, a number of sight-seers, by no means unusual on such an occasion, collected near the temple, and indeed when they heard that a raid had taken place

[Babu Bindeshwari Prasad.]

the previous night, got infuriated and started throwing stones at the procession. The attempt of the police to disperse the mob was unsuccessful, with the result that firing had to be resorted to. After the firing had commenced, the trouble came to an end and the mob dispersed.

Since the outbreak of this riot in 1923, I may inform the honourable members of this Council that we have striven our best to compose the differences between Hindus and Muhammadans in Gonda, and I am glad to be in a position to say that the relations between the two communities at present are very cordial—a fact which is incidentally borne out by the absence of any untoward incidents since the last riot.

As regards the persons who were convicted in connection with the riot, I beg to submit that they do not belong to the class of either "*gundas*" or "ordinary criminals." The fact of the matter is that when the Muhammadans attacked the temple, there was nobody to see who actually the Muhammadan raiders were. Similarly, none of the mob, which consisted of villagers, principally Hindus, and which had attacked the tazia procession, was known to the processionists. As no doubt happens in such cases, respectable persons of both communities, such as merchants, shopkeepers, and thekadars, who never dream of rioting, were arrested as having taken part in the riot. As, however, there was some sort of evidence against them, they were convicted and sentenced by the court of trial to an equal term of imprisonment, being found guilty of the same offence. In the appellate court their sentences were revised, and as a consequence the sentences of those who were either older or younger than others were reduced, and I believe many such reduced sentences have since expired.

The present resolution, if accepted, will, therefore, affect only seven Muhammadans and ten Hindus who are in jail serving their period of imprisonment, varying from nine months to one and a half years. One of these convicts is suffering from an organic trouble, which is supposed to be fatal, and I believe the Deputy Commissioner has already recommended that he be released. In the circumstances I submit that in view of the fact that the convicts concerned have already served a term of imprisonment, adequate, I think, to their guilt, and that they will, when released, being respectable men, honestly work for the better understanding of the two communities and thus act as a cement, and further because the relations between Hindus and Muhammadans in Gonda have for some time past been very cordial, I appeal to the Government to accept my resolution.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I wish I could accept the resolution, but for certain reasons I regret I am unable to do so. There are four cases which have been decided in connection with the Gonda riot. Many of the arrested persons have been let off, and others are serving their sentences in jail. Out of the persons convicted for short terms many have already completed their sentences and those who received sentences below one year will be released by the time the Government will arrive at a decision. As regards the sentences over a year I am quite prepared to examine those cases if the honourable mover will see his way to withdraw his resolution, because in passing this resolution the difficulty will be that

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our hands will be tied and we will not be able to consider whether any reduction of the sentences or wholesale release is desirable. So with this view I ask the honourable mover to withdraw this resolution.

Babu Bindeshwari Prasad : The Hon'ble the Home Member has said that he would examine the cases of all these men if there was no difference of any kind. I submit that there is no difference of any kind in the offences charged against all of them. All of them were charged for the same offence and were given the same sentences by the first court.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I cannot commit myself either way. I will examine them and will let the Council know my views. I cannot make any definite promise what action will be taken.

Babu Bhagwati Sahai Bedar : I wish to move an amendment to the resolution.

The Hon'ble the President : It is outside the scope of the resolution and is not in order.

Maulvi Shahab-ud-din : I propose an amendment to the resolution. The amendment is that after the word "Gonda" the word "Saharanpur" be added.

The Hon'ble the President : I have already ruled out of order the addition to the resolution proposed to be moved by Mr. Bedar "that the prisoners of the Katarpur riot case" be added, as it is outside the scope of the original resolution.

Mr. Masud-uz-zaman : Is the resolution on, or has it been withdrawn ?

The Hon'ble the President : It has not been withdrawn.

Mr. Mazud-uz-zaman : When I first learnt that this resolution was going to be moved in the Council I was very happy and I wanted to support it on the presumption that the local affair was more or less settled and it is always better in the interests of Hindu-Muhammadan unity that such local affairs may be settled, and I was also given to understand that if these people are released there is no likelihood of any further trouble, but unfortunately when I reached here I learnt from different sources that this was not the case. It is regrettable indeed that local feelings are not yet quite so satisfactory as they ought to have been, and since these feelings are not so good, the matter is still a local affair and if the Council interferes in any way the probability is that these feelings may generalize and the Muhammadans who will not be in favour of this settlement or those Hindus who are not pleased with this resolution may try to give a different colour to the attitude of the Council. The Council's attitude should always be, I think, impartial in local affairs and if we go on interfering in this manner then our feelings may be misunderstood by either of the communities and there is likelihood that the matter may become a provincial one and a feeling of general dissatisfaction may arise. Under these circumstances I would request the honourable member who has moved this resolution that since there are persistent rumours that the feelings between the Hindus and the Muhammadans in Gonda are not so very good, it must be as much localized as possible and he may withdraw the resolution. If he does

[Mr. Masud-uz-Zaman.]

not however withdraw, then I am sorry to say that on the basis of the information that I have received I will consider it my duty in the interests of the Hindu-Muhammadan unity to oppose this resolution.

Khan Bahadur Maulvi Muhammad Fasih-ud-din : I am not behind hand any member of this honourable House in my desire to see out of jail every person who is there on account of his honest political convictions and is not guilty of moral turpitude: but I am afraid that this resolution is not specific enough and is not in a proper form on which we can vote one way or the other. It does not in the first place give any information about the number of convicts. It does not also specify the sections or sentences under which each of these men have been sentenced and the period of imprisonment which they have already undergone and the period which remains yet to be undergone. I think that unless these data are forthcoming the Council will not be in a position to give its opinion one way or the other. I am sure that the honourable mover of this resolution will agree with me when I say that the riff-raff of either community, whether Hindus or Muhammadans who commit a breach of peace do not deserve any consideration at our hands: but certainly, if the honourable member can prove that, by getting these men out of jail, the local feelings between the Hindus and Muhammadans will be improved, then I will give my vote with great pleasure in favour of this resolution.

I just heard before I entered this hall, as Mr. Masud-uz-Zaman remarked, that the feelings in Gonda between Hindus and Muhammadans were not unfortunately very cordial. In these circumstances I think it is advisable for the honourable mover for the present to withdraw his resolution and then to supply us with full and detailed information about all the prisoners whom he wants to be released in order to enable us to come to a definite conclusion.

Babu Bindeshwari Prasad : So far as the number of accused persons is concerned, I think there are seven Muhammadans and ten Hindus. The offence for which the Hindus were convicted was probably under section 295, i.e., for having attacked a *tazia* procession and the charge against the Muhammadans was of raiding a religious temple and they were also convicted under section 295 of the Indian Penal Code. I do not exactly remember, but I think these are the only two cases. There were also two other cases, one of which was discharged in the first instance and in the other case one or two men were convicted for having looted a certain shop in that very riot. As regards the feelings between the two communities in Gonda, I can assure the House that the feelings between them are quite cordial and that a memorial signed by about 500 Hindus and the same number of Muhammadans was sent to the Deputy Commissioner for being submitted to the Local Government. I do not know whether that memorial has reached the Government or not as yet. There is certainly a very small number of men amongst Muhammadans who, I do not know for what reason, have refused to sign that memorial and who are opposing it. I am sure that emissaries of those two or three men have come forward and whispered something into the ears of some of the members of this Council.

Mr. Masud-uz-Zaman : What about the notice that is being circulated by the Gonda people?

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Babu Bindeshwari Prasad : I do not know of any such notice, and if there is any such notice, I am sure that it has not been signed by more than half a dozen people, because I have taken signatures of a large number of men on the memorial I have referred to. There is a very small number of men of absolutely no status . . .

Mr. Masud-uz-Zaman : The notice has been signed by barristers and leading practitioners.

Babu Bindeshwari Prasad : I am sure there is none of them. If there is any such notice, I would like to see it. But whatever it is I know of the feelings in Gonda and they are very cordial. Some of my Muhammadan friends here have advised me to withdraw my resolution, and I was looking into the rules as to whether, if the resolution is withdrawn at present, it can be moved again in the next session. If it can be moved in the next session, I am ready to withdraw it at present.

The Hon'ble the President : It can be moved in the next session which may probably be held in July. It can not be moved in the present session. I cannot say whether there will be a session in July or August, but if there is one, it can then be moved. Six months have to intervene.

Babu Bindeshwari Prasad : In these circumstances I am not ready to withdraw my resolution, as by that time all will have been released. The prisoners will get a certain amount of remission in their periods and so by that time the matter will end. I am therefore not prepared to withdraw the resolution.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I want to explain once more the position of the Government. I have already said that those who were convicted for short terms must be out by now. As regards those whose sentences exceeded one year, many of them will probably be released by the time the resolution will be given effect to, as some of the sentences in the meantime may be reduced under the jail rules or under the orders of the Government. Hence there will be hardly any one left in the jail. So the safest course would be to withdraw this resolution and to rely on the Government in the matter.

Mr. Masud-uz-Zaman : With your permission, Sir, I may show the notice to the honourable mover . . .

The Hon'ble the President : The discussion is now finished.

The resolution was put and the Council divided as below :—

Ayes (37).

Pandit Govind Sahai Sharma.
Babu Sangam Lal.
Babu Mohan Lal Saksena.
Babu Damodar Das.
Rai Bahadur Lala Sita Ram.
Babu Bhagwati Sahai Bedar.
Thakur Manjit Singh Rathor.
Pandit Nanuk Chand.
Lala Babu Lal.
Thakur Shib Narayan Singh.
Lala Dhakan Lal.
Chaudhri Badan Singh.
Thakur Sadho Singh.
Pandit Brijnandan Prasad Misra.
Pandit Jhanni Lal Pande.

Lieut. Raja Durga Narayan Singh.
Pandit Sri Krishna Dutt Paliwal.
Babu Parsidh Narayan Anad.
Pandit Yajna Narayan Upadhya.
Babu Dipi Narayan Roy.
Thakur Hanuman Singh.
Pandit Govind Ballabh Pant.
Pandit Har Govind Pant.
Mr. Mukandi Lal.
Babu Ram Chandra Sinha.
Dr. Jaikaran Nath Misra.
Kunwar Rajendra Singh.
Babu Sita Ram.
Babu Bindeshwari Prasad.
Rai Bahadur Babu Shankar Dayal.

[The Hon'ble the President.]

Ayes (27).

Maulvi Zahur-ud-din.
Rao Abdul Hameed Khan.
Maulvi Abdul Hakim.
Lala Mathura Prasad Mehrotra.

Raja Shambhu Dayal.
Rai Bahadur Babu Vikramajit Singh.
Dr. Ganesh Prasad.

Noes (32).

The Hon'ble Mr. S. P. O'Donnell.
The Hon'ble Raja Sir Muhammad Ali
Muhammad Khan, Khan Bahadur.
The Hon'ble Lieut. Nawab Muhammad
Ahmad Sa'id Khan.
The Hon'ble Rai Rajeshwar Bali.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. A. G. Verrières.
Mr. C. E. D. Peters.
Mr. J. R. W. Bennett.
Mr. S. H. Fremantle.
Mr. R. Burn.
Mr. W. S. Cassels.
Mr. C. M. King.
Mr. F. F. R. Channer.

Mr. A. D. Ashdown.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad E'jaz Rasul Khan.
Mr. H. David.
Mr. Muhammad Aslam Saifi.
Khan Bahadur Chaudhri Amir Hasan Khan.
Hafiz Hidayat Husain.
Mr. Masud-uz-Zaman.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Raja Saiyid Ahmad Ali Khan Alvi.
Khan Bahadur Chaudhri Muhammad
Rashid-ud-din Ashraf.

The resolution was accordingly adopted.

MOTION FOR ADJOURNMENT.

The Hon'ble the President : At this stage I want to give an opportunity to move a motion in respect of adjournment. It has been represented to me that a certain number of members of the Council are interested in the convocation which takes place today in the Lucknow University. It is a matter for the Council itself to decide. In order that we may know at once the views of the House, I will allow the motion to be moved now. If it is carried, the Council will sit without adjournment for lunch, but if it is not carried, it will adjourn and resume after lunch.

Dr. Jaikaran Nath Misra : I move that the Council be adjourned early. I do not see any need for making a speech on this subject. It seems that unfortunately there has been some mistake on the part of the University authorities in not inviting all the members of this Council to the convocation. I think that mistake is going to be rectified soon and those members who have not yet received an invitation to attend the convocation will be getting it soon.

The Hon'ble the President : At what hour should the Council adjourn ?

Dr. Jaikaran Nath Misra : At 2 o'clock, because the convocation is at 3 o'clock.

The Hon'ble the President : The question is that the House adjourn today at 2 o'clock.

The motion was put and the Council divided as below :—

Ayes (34).

Raja Muhammad E'jaz Rasul Khan.
Babu Khem Chand.
Rai Bahadur Lala Sita Ram.
Rai Jagdish Prasad Sahib.
Pandit Nanak Chand.
Lala Dhakan Lal.
Lieut. Raja Durga Narayan Singh.
Thakur Hanuman Singh.

Dr. Jaikaran Nath Misra.
Kunwar Rajendra Singh.
Rai Bahadur Thakur Mashal Singh.
Rai Bahadur Babu Shankar Dayal.
Dr. Muhammad Naim Ansari.
Mr. Muhammad Aslam Saifi.
Maulvi Zahur-ud-din.
Rao Abdul Hameed Khan.

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Ayes (34).

Lieut. Nawab Jamshed Ali Khan.
Khan Bahadur Chaudhri Amir Hasan Khan.
Maulvi Obaid-ul-Rahman Khan.
Hafiz Hidayat Husain.
Mr. Masud-uz-Zaman.
Maulvi Abdul Hakim.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Asbiq Husain.
Khan Bahadur Hakim Mahbub Ali Khan.
Khan Sahib Munshi Siddiq Ahmad.

Qazi Habib Ashraf.
Raja Saiyid Ahmad Ali Khan Alvi.
Khan Bahadur Chaudhri Muhammad
Rashid-ud-din Ashraf.
Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Shaikh Imtiaz Rasul Khan.
Raja Jagannath Baksh Singh.
Rai Bahadur Babu Vikramajit Singh.

Noes (8).

Mr. H. David.
Pandit Govind Sahai Sharma.
Chaudhri Badan Singh.
Chaudhri Sardar Singh.

Pandit Sri Krishna Dutt Paliwal.
Babu Dip Narayan Roy.
Babu Ram Chandra Sinha.
Kunwar Surendra Pratap Sahi.

The motion was accordingly adopted.

RESOLUTION *re* POSTPONEMENT OF FRESH SETTLEMENT OPERATIONS.

Chaudhri Badan Singh: I rise to move the resolution which has been discussed in this honourable House several times before and it now runs thus :—

That this Council recommends to His Excellency the Governor in Council that no revision of settlement be undertaken on the termination of the record operations that are going on in many districts of the province at present.

Before I proceed further with my resolution, I want to let this honourable House know that the original resolution of which I gave notice to the Hon'ble the President stood thus :—

“ That this Council recommends to His Excellency the Governor that enhancement of land revenue will not be ordered on the termination of record operations that are going on in many districts of the province at present.”

Now I have every reason to believe that there is not any material difference between the original and the amended resolution because the definition of settlement that is given in the Revenue Law is that “settlement means settlement of land revenue,” i.e., settlement of revenue means that revenue may be increased or decreased. I am going today to move that, after the record operations, settlement may not be made. Sir, the reasons which I am putting forward before the House are that the present flood has caused a good deal of harm to tenants and zamindars and zamindars and tenants will take at least 25 years to re-establish themselves. The second reason I wish to put forward is that in every Rs. 100 zamindars pay Rs. 10 for litigation and Rs. 10 unrealised, and Rs. 5 for other expenses. In this way there only 75 per cent. is left and out of this they pay 10 per cent. in cesses, 45 as land revenue, and so there only about 25 per cent. is left. Everybody knows that zamindars are the poorest class in India and are heavily in debt on account of this high taxation. I as a representative of the public declare that Government should consider this resolution most favourably in the best interests of the zamindars and tenants. This resolution has caused a good deal of

[Chaudhri Badan Singh.]

agitation and dismay throughout the districts which are under records operations and I want that Government should take early steps in order to handle the situation that it should declare today that there will be no settlement or enhancement of revenue after the record operations are completed. Sir, I want to know clearly the attitude of Government on this point, and I want that my resolution may be decided today once for all, because it has been under discussion for the last several meetings. With these few remarks I conclude my speech.

Pandit Govind Ballabh Pant : I rise to move the amendments standing in my name.

The Hon'ble Mr. S. P. O'Donnell : I rise to a point of order as regards the amendment. The amendment refers to the Tarai and Bhabar estates. Settlement operations there are complete—they were going on all last cold weather. Apart from that, these estates are on an entirely different footing from the rest of the province and it would confuse the issue to drag them into the discussion of this resolution. They have a decennial settlement. I submit that the question of these estates should be raised in a separate resolution.

The Hon'ble the President : Are the operations now going on?

The Hon'ble Mr. S. P. O'Donnell : There are no operations now going on—the operations are complete.

Pandit Govind Ballabh Pant : I beg to submit, Sir, that it is not proper for me to make a statement substantially varying from the statement of the Hon'ble the Finance Member, but in fact record and settlement operations are still going on now.

The Hon'ble Mr. S. P. O'Donnell : I have just had a telegram from the Commissioner that the settlement is complete and that only a few records now remain to be attended to, but practically the whole is complete.

Pandit Govind Ballabh Pant : If the Hon'ble the Finance Member is free to assure me that he will let me raise the question in this House before the settlement proposals are finally sanctioned I am prepared not to press the question at this stage. I know that the settlement is not yet complete.

The Hon'ble the President : In any case, whether the Hon'ble the Finance Member gives that assurance or not, the question cannot be raised now if it is a fact that the operations are complete. The original resolution refers only to proceedings now taking place.

Pandit Govind Ballabh Pant : I say that they are not complete.

The Hon'ble the President : Practically complete.

The Hon'ble Mr. S. P. O'Donnell : I will read the telegram I have received from the Commissioner. It runs "Bhabar settlement complete, except for records mauzawar and pargana registers and pargana books, agreements for zamindari villages await final sanction." That means that the operations are practically complete. It is only a few records that have now to be attended to.

Pandit Govind Ballabh Pant : My humble interpretation of that telegram is that even record operations are not complete.

The Hon'ble the President: It seems to me the amendment deals with a very distinct question from that with which the resolution is dealing. I agree that it does not come within the purview of the resolution. What the resolution aims at is that ordinary operations now going on should not be followed by settlement until, as the third amendment says, the principle of land revenue is finally determined. That amendment can certainly be made.

Pandit Govind Ballabh Pant: I shall move the first and third amendments and take my chance. I move, Sir, that between the words "records" and "operations" the words "or settlement" be inserted. After the words "at present" the fullstop be deleted and the following words be added "until the principles of land revenue settlement are finally determined and codified by the Council."

The Hon'ble Mr. S. P. O'Donnell: Apart from the Tarai and Bhabar estates there are no settlement operations going on at present. There are only record operations.

The Hon'ble the President: I think the honourable member has some thing in his mind which he may explain. What I think is that the member's aim is that no settlement be undertaken again until the principle of revenue settlement is determined—that is going to be the substance of the amendment.

Pandit Govind Ballabh Pant: My amendment only comes to this that no revision of settlement be made on the termination of record or settlement operations going on at present in many districts.

The Hon'ble the President: Why does the honourable member wish to insert "or settlement"—what is his meaning?

Pandit Govind Ballabh Pant: The ordinary meaning.

The Hon'ble the President: Are there such operations going on?

Pandit Govind Ballabh Pant: Yes, Sir, in Muttra and the Government estates.

The Hon'ble Mr. S. P. O'Donnell: Muttra is complete.

The Hon'ble the President: I think No. 3 is the one to be moved.

Pandit Govind Ballabh Pant: Is there any objection to my moving the first one?

The Hon'ble the President: I do not understand it.

Pandit Govind Ballabh Pant: I shall try to clarify it.

The Hon'ble the President: Yes.

Pandit Govind Ballabh Pant: With your permission, Sir, I beg to move these two amendments.* By virtue of the first I add the words "or settlement" to "record operations" and by means of the second I make an effort to clear up the period during which operations are to remain in suspense and before which finality is not to be given to them. I do not think it necessary for me to say very many words in justification of the position taken up by the mover of the resolution or by myself. The question of record or settlement operations has been

*These were:—(1) Between the word "records" and "operations" insert the words "or settlement." (2) at the end of the resolution add the words "until the principles of land revenue settlement are finally determined and codified by the Government."

[Pandit Govind Ballabh Pant.]

repeatedly brought before this House and we had a fine mimic warfare over it during the last Budget debate and again in September last. I deliberately use the words "mimic warfare" for we now find that all the efforts of the Council have resulted only in getting a certificate from His Excellency the Governor, and the demand in respect of the operations that has been rejected by the Council twice has actually been admitted. As the money has been sanctioned, the operations naturally continue, and I understand are still continuing. With regard to the record operations, it has not been suggested that they have come to an end in those parts in which they were started some time back, and with reference to the settlement operations I understand that a district continues to be under settlement until and unless a notification is issued under the Land Revenue Act saying that settlement operations have come to an end. Similarly, a district or an area continues to be under record operations until a notification to that effect is issued under the Act. So far as my information goes, no notification of this character has been issued in respect of any area, including the zamindari areas in the Government estates. If my interpretation of the law is correct, I submit that all those areas in respect of which these notifications are in existence are governed by the terms of this resolution. With this introductory explanation I beg to submit that no parts should be dealt with in a manner which would be prejudicial to the interests of landholders or of the tenants residing in those parts or owning lands therein.

At the time when the demand came up and also on other occasions the point was repeatedly referred to and an assurance was given—I would not like to use the word "undertaking" as there is a greater degree of solemnity about it—an assurance of a very definite character was given, that there was no idea of determining the jama or of enforcing it, if I understand it correctly, so long as the principles of land revenue settlement were not clearly determined and codified by this Council I would like to read only one sentence from the speech of the Hon'ble the Finance Member delivered on the occasion of the last Budget debate. He said:—"Moreover we have given a general undertaking that any fresh settlement to be made shall be made in accordance with the principle finally determined when we have completed our examination of the various issues raised by the Settlement Committee's report. That undertaking applies also to Muttra." From this it was clearly understood that so long as the principles were not given a definite, precise and distinct shape, no action would be taken to enhance the burden on land. This was in connection with both record and settlement operations. In fact, the position seems to be this, that, so far as record operations are concerned, they have nothing to do directly with the settlement of land revenue, but there the Government is primarily concerned with the correction of the records so as to remove all anomalies and mistakes. As far as settlement is concerned it was said that though the preliminary operations might continue in places in which these were in force, but in consequence of this the land revenue would not be altered so long as the principles were not definitely settled. What we ask in this resolution is not an inch more than what was understood. We only submit that so long as the principles are not settled no action of this character should be taken. In fact, in the face of the definite instructions of the Joint Committee which dealt with the constitutional reforms, it is in a way unconstitutional

to enhance the revenue in any place unless and until such principles are settled. It is much more so to do anything of this character in the face of the report of the Settlement Committee appointed by this House and the Government and before the issues that were determined by the Committee have been finally settled by the Council and before a Bill embodying those principles is passed. So far I have dealt with the general principles. In this connection I submit there is absolutely no reason why any difference should be made between the zamindari villages situated in Government estates and those situated outside. In fact the position of Government estates is worse than that of other estates. While in other places it is generally the tenants who raise objection to the enhancement of rent while the zamindars press for it, the Council will be surprised to hear that in the Government estates there has been an unanimous request made by almost all the tenants and zamindars that the enhancement of rent should not be given effect to as they were not in a position to bear the burden. So from this it is evident that the pitch has already been reached and there is no room for any enhancement there. In this connection I may say that at the time when revenue demand was under discussion in March last I had the privilege of referring to the question of Government estates at that time the Hon'ble the Finance Member was pleased to state . . .

The Hon'ble Mr. S. P. O'Donnell: The Hon'ble the President has ruled out the amendment connected with the zamindari estates.

The Hon'ble the President: I have ruled out the amendment connected with the Government estates.

Pandit Govind Ballabh Pant: What I submit is that you were pleased to rule out my amendment and I accepted the ruling and bow to it. But I do not think that by ruling out this amendment you meant to rule out any remarks that I may have to make in connection with the Government estates even if they come within the scope of the resolution and the amendment admitted by you. If this was the intention, then I regret I misunderstood the position. But if my remarks are covered by the amended resolution as I hold they are then I submit that I am entitled to make them.

The Hon'ble the President: The reason why the amendment dealing with Government estates was ruled out was because it was considered that the question was outside the scope of the resolution. The same remarks apply to a detailed examination of the position of the zamindari estates.

Pandit Govind Ballabh Pant: My submission is that I did not consider it necessary to make an amendment because I considered it superfluous. But as the Government estates are included in one of the districts of the province and the resolution applies to settlement and record operations that are going on in some of the districts of the province I humbly submit that there is no reason why the Government estates should not be allowed to be mentioned. So long as the notification regarding any area under settlement and record operations is in force and a fresh notification for the withdrawal of these operations is not issued, I think that remarks connected with any part of the area cannot be considered to be out of place.

The Hon'ble the President: It was agreed that the zamindari estates were outside the scope of the resolution and it was for this reason that the amendment was not allowed and the honourable member agreed. My opinion is still the same that any discussion connected with the Government estates is outside the scope of this resolution and therefore I can not allow any detailed references in regard to them.

Pandit Govind Ballabh Pant: I therefore submit that great hardships will ensue to the proprietors of land if settlement operations are put into effect like this in the face of resolutions of the Council, the directions of the Joint Committee of the Houses of Commons and Lords, the reports of the Settlement Committee and the assurance given by the Hon'ble the Finance Member. All these are applicable to all the districts in these provinces and there is no reason why every part of them should not have the benefit of a settled settlement procedure. The Settlement Committee has gone into the question thoroughly. It has laid down certain principles which will be of enormous assistance to those who have to carry on those operations in practice. It is really equitable that all parts should be treated in a manner which will enable them after the settlement to bear the burden that is imposed on them. It is only to adjust the liability of the various parts as well as to put it in such a position that further progress may not be hampered in any way that the Settlement Committee has put down those principles. So it is but meet and proper for the House to endorse all that has been done in this respect so far as to lay down distinctly that so long as those principles are not codified nothing should be done under the cover of settlement or in the name of *quasi* or *de jure* or *de facto* settlement in any part of this province. I hope the resolution will meet with the wishes of this House and the Hon'ble the Finance Member will have the generosity of not being ungenerous to those parts which are closely associated with the name of the Government.

The Hon'ble Mr. S. P. O'Donnell: If I rise at this stage it is in the hope of averting an unnecessary amount of discussion. The resolution in its original form might be interpreted to be a demand for a permanent settlement, but I take it that that is not the real meaning of the honourable mover. What he really means is that the term of the existing settlements should be extended. Now as regards that the position is this. When this question was debated last cold weather, as it was on more than one occasion, I pointed out to the Council the difficulties which attached to this proposal. At the same time I undertook that the question would be examined in connection with the other issues raised by the report of the Settlement Committee.

In the interval that has since elapsed we have completed our examination, and we have sent on our proposals to the Government of India. I cannot, of course, say what those proposals are. I am precluded from doing so by the standing orders. Nor can I say when the orders of the Government of India will be received. But it is our hope that they will be received in time to enable us to publish and introduce our Bill during this cold weather session. In the meantime, leaving aside the completion of the Government estates operations and the record operations, there are no settlement operations going on. Therefore I have no objection to accepting the resolution with the third

amendment of Pandit Govind Ballabh Pant, but without the first amendment, which is not intelligible to me.

The amendment to insert the words "or settlement" was withdrawn by leave of the Council.

The amendment for the addition of the following at the end after the words "at present," "until the principles of land revenue settlement are finally determined and codified by the Council" was put and adopted.

The resolution, as amended, was then put and adopted.

At 2 p.m. the Council was adjourned to the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Tuesday, the 16th December, 1924.

THE Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT :

The Hon'ble Mr. S. P. O'Donnell.	Babu Parsidh Narayan Anad.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.	Pandit Yajna Narayan Upadhya.
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Raja Sri Krishna Dutt Dube.
The Hon'ble Rai Rajeshwar Bali.	Babu Dip Narayan Roy.
Mr. G. B. Lambert.	Thakur Hanuman Singh.
Mr. E. A. H. Blunt.	Pandit Govind Bullabh Pant.
Kunwar Jagdish Prasad.	Pandit Hargovind Pant.
Mr. G. B. F. Muir.	Mr. Mukandi Lal.
Mr. A. C. Verrières.	Babu Ram Chandra Sinha.
Mr. C. E. D. Peters.	Dr. Jaikaran Nath Misra.
Mr. J. R. W. Bennett.	Kunwar Rajendra Singh
Mr. S. H. Fremantle.	Rai Bahadur Thakur Mashal Singh.
Mr. R. Burn.	Babu Bindeshwari Prasad.
Mr. W. S. Cassels.	Thakur Hukum Singh.
Mr. O. M. King.	Kunwar Surendra Pratap Sahi.
Mr. F. F. R. Channer	Rai Bahadur Babu Shankar Dayal.
Mr. A. D. Ashdown.	Dr. Muhammad Naim Ansari.
Colonel A. W. R. Cochrane.	Mr. Muhammad Aslam Saifi.
Mr. A. H. Mackenzie.	Maulvi Zahur-ud-din.
Mr. G. Clarke.	Rao Abdul Hameed Khan.
Raja Muhammad E'jaz Rasul Khan.	Maulvi Shahab-ud-din.
Mr. H. David.	Lieut. Nawab Jamshed Ali Khan.
Babu Khem C and.	Nawabzada Muhammad E'jaz Ali Khan.
Babu Narayan Prasad Arora.	Khan Bahadur Chaudhri Amir Hasan Khan.
Babu Sangam Lal	Maulvi Obaid-ul-Rahman Khan.
Babu Mohan Lal Saksena.	Hafiz Hidayat Husain.
Babu Damodar Das.	Mr. Masud-uz-Zaman.
Rai Bahadur Lala Sita Ram.	Maulvi Abdul Hakim.
Babu Bhagwati Sahai Bedar.	Dr. Shafa'at Ahmad Khan.
Thakur Manjit Singh Rathor.	Saiyid Muhammad Ashiq Husain.
Rai Jagdish Prasad Sahib.	Khan Bahadur Maulvi Fasih-ud-din.
Chaudhri Jaswant Singh.	Khan Bahadur Hakim Mahbub Ali Khan.
Pandit Nanak Chand.	Mr. Ashiq Husain Mirza.
Lala Babu Lal.	Khan Sahib Munshi Siddiq Ahmad.
Thakur Shib Narayan Singh.	Qazi Habib Ashraf.
Rai Amba Prasad Sahib.	Raja Saiyid Ahmad Ali Khan Alvi.
Rai Bahadur Pandit Kharagjit Misra.	Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Lala Dhakan Lal.	Shaikh Abdus Samad Ansari.
Chaudhri Badan Singh.	Mr. St. George H. S. Jackson.
Chaudhri Sardar Singh.	Lala Mathura Prasad Mehrotra.
Thakur Sadho Singh.	Raja Shambhu Dayal.
Pandit Brijnandan Prasad Misra.	Lieut. Shaikh Imtiaz Rasul Khan.
Pandit Bhagwat Narayan Bhargava.	Raja Jagannath Baktsh Singh.
Pandit Jhanni Lal Pande.	Mr. Tracy Gavin Jones.
Lieut. Raja Durga Narayan Singh.	Rai Bahadur Babu Vikramajit Singh.
Pandit Sri Krishna Dutt Paliwal.	Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

MUHARRAM AT ALAPUR AND DATAGANJ IN BUDAUN.

*1. **Maulvi Zahur-ud-din**: (a) Is the Government aware that *Muharram* ceremonies were not observed this year in the towns of Alapur and Dataganj in the Budaun district?

(b) If so, will it be pleased to explain the circumstances which were responsible for this?

(c) If not, will it be pleased to make a detailed inquiry into them?

The Hon'ble Mr. S. P. O'Donnell: (a) Yes.

(b) As regards Alapur, the honourable member is referred to the answers to unstarred questions Nos. 60 and 61 of the 9th September. The friction at Dataganj was almost as serious as at Alapur, and preventive action by the authorities had to be taken there also. There was no prohibition of the processions and the usual arrangements were made to facilitate them.

(c) The facts have been ascertained by inquiry and no further inquiry is necessary.

Unstarred questions Nos. 60 and 61 and answers given to them on the 9th September, 1924, referred to in answer to starred question No. 1 for the 6th December, 1924.

60. **Chaudhri Badan Singh**: Is it a fact that practically all the taziadars were locked up in the district jail, Budaun, some three or four days before *Ashra* last *Muharram*?

Mr. G. B. Lambert: Alapur was the scene of a serious riot in 1923. Sixteen houses were burnt, two temples were desecrated, one man died, and 30 persons were convicted and imprisoned for riot, dacoity, and kindred offences. Certain taziadars were this year called upon to furnish security under section 109, Criminal Procedure Code. They refused to do so and stated that they preferred to go to jail. In face of their refusal there was no alternative but to send them to jail.

61. **Chaudhri Badan Singh**: Is it a fact that *Ashra* was not celebrated at Alapur, district Budaun?

Mr. G. B. Lambert: Yes, there was, however, no prohibition of the procession and no pressure exercised to prevent the procession.

*2. **Maulvi Zahur-ud-din**: Has the District Magistrate made a personal inquiry into the grievances of Muhammadans of Alapur and Dataganj? If so, what action has he taken to redress them? If not, why not?

The Hon'ble Mr. S. P. O'Donnell: The Muhammadans have made no representation to the District Magistrate.

*3. **Maulvi Zahur-ud-din**: Will the Government be pleased to have an inquiry made in this matter and have these grievances redressed?

The Hon'ble Mr. S. P. O'Donnell: The District Magistrate will deal with any representation made to him.

COMMISSIONERS ABOLITION COMMITTEE.

***4. Pandit Brijnandan Prasad Misra :** What action has the Government taken on the report of the Commissioners Abolition Committee?

The Hon'ble Mr. S. P. O'Donnell : The matter has been referred to the Government of India and their orders are awaited.

Rai Bahadur Lala Sita Ram : When was the matter referred to the Government of India?

The Hon'ble Mr. S. P. O'Donnell : I do not remember the exact date. I will let the honourable member know.

PUBLIC WORKS DEPARTMENT RE-ORGANIZATION COMMITTEE.

***5. Pandit Brijnandan Prasad Misra :** What has the Government so far done on the recommendations of the Public Works department Organization Committee?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (1) After a careful consideration of the recommendations of the United Provinces Committee on the subject of the reorganization of the Public Works department the Government have outlined their policy in a resolution published in the Gazette of 5th July, 1924, and in pursuance of that policy they have up-to-date—

- (a) combined the offices of Deputy Chief Engineers with that of the Chief Engineer;
- (b) handed over local works to all district boards in the plains, who are willing to accept the responsibility of the control of their own public works, with effect from the 26th October, 1924;
- (c) handed over all residential buildings to the control of civil departments in occupation, and arranged for the execution of minor works costing less than Rs. 20,000 by the civil departments after the 1st April, 1925;
- (d) determined the personnel required for the Buildings and Roads branch of the Public Works department after the 1st April, 1925, when the reorganization of the department will have been practically completed and are arranging the disposal of the surplus establishment.

(2) The saving anticipated at the time the reorganization proposals were worked out was Rs. 7,55,329. Against this a saving of Rs. 3,70,301 has already been effected in the past three years, a further saving of approximately Rs. 3,00,000 is anticipated in 1925-26, leaving a balance of Rs. 85,028, which will gradually be effected as the reorganization of the department proceeds.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

***6. Pandit Brijnandan Prasad Misra :** Has the Government so far taken any, and, if so, what steps for expediting action on the report of the committee for separation of judicial and executive functions?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The Government have forwarded copies of the debate on the subject in this

Council to the Government of India and drawn their attention to the desire expressed by members of this Council that a decision should be reached as early as possible.

Mr. Mukandi Lal : Has the Government received any answer from the Government of India ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Not yet.

SECRETARIES TO GOVERNMENT.

***7. Pandit Brijnandan Prasad Misra :** On what principle is the selection of Secretaries to Government determined and their duration of office in the Secretariat ?

The Hon'ble Mr. S. P. O'Donnell : The principle is suitability. Duration rests with the discretion of the Government.

Mr. Mukandi Lal : Have the Ministers any say in the matter of the selection of Secretaries ?

The Hon'ble Mr. S. P. O'Donnell : Yes, in the case of Secretaries of their departments.

INDIAN CIVIL SERVICE OFFICERS.

***8. Pandit Brijnandan Prasad Misra :** Will the Government inform the Council of the number of Indian Civil Service officers who, though definitely recognized by their predecessors as unfit for promotion, have since the advent of the Reforms been appointed as Commissioners ?

The Hon'ble Mr. S. P. O'Donnell : There are none.

RELIEF TO GOVERNMENT SERVANTS BROUGHT UNDER REDUCTION.

***9. Pandit Brijnandan Prasad Misra :** Will the Government inform the Council if it contemplates providing some measure of relief for those whose posts have been or may hereafter be abolished in consequence of the recommendations of either the Retrenchment officers or the Economy Committee so as to afford them means of subsistence ?

The Hon'ble Mr. S. P. O'Donnell : Permanent Government servants whose posts are abolished are entitled to a compensation pension or gratuity under the existing rules. The question of giving them further relief is however under the consideration of Government.

HEAD ASSISTANT TO DIRECTOR OF PUBLIC HEALTH AS SECRETARY, BOARD OF PUBLIC HEALTH.

***10. Pandit Brijnandan Prasad Misra :** Is it a fact that the Head Assistant of the Director of Public Health is also performing the duties of the Secretary of the Board of Public Health, and that he had consented to do the combined duties of both posts on getting the minimum pay of the post of the Secretary ?

If so—

(a) What pay did he get for the combined duties in the beginning ?

(b) What is he getting now; if an increased pay, when was the increase made, and why ?

The Hon'ble Rai Rajeshwar Bali : The Head Assistant to the Director of Public Health is also Secretary to the Board of Public Health. He

consented to perform the duties of both posts on the minimum pay of the Secretary to Board of Public Health temporarily, the arrangement being experimental.

His initial pay as Secretary, Board of Public Health, was Rs. 300. He is now receiving Rs. 475. He was given accelerated promotion with effect from the 6th June, 1923, at the repeated instance of the Board of Public Health, though not to the full extent desired by that body. The Board of Public Health urged that the rate of pay originally allowed to Hafiz Mohiuddin was in his particular case insufficient remuneration for the performance of exceptionally arduous combined duties with which Hafiz Mohiuddin can only cope by working overtime and on Sundays, in which he is displaying exceptional ability, and his acceptance of which even now results in a saving to the Government. It was also pointed out that the normal operation of the Secretary's time-scale does not fairly meet Hafiz Mohiuddin's particular case, the scale being intended for men appointed fairly early in their service, whereas Hafiz Mohiuddin is nearing the end of his career and would never draw the maximum rate of pay unless accelerated promotion were given.

ALLEGATIONS AGAINST THE POLICE AT BILSANDA (PILIBHIT).

*11. **Pandit Brijnandan Prasad Misra:** Will the Government publish the report of the Deputy Inspector-General of Police made to the Government as a result of his inquiry into the allegations made against the police of Bilsanda (Pilibhit) in the Budget discussions?

If not, what are the reasons for not publishing it?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Owing to its length and the cost of printing, the Government does not propose to publish the report. The honourable member can however see a copy of the report if he applies to the Inspector-General of Police.

Pandit Brijnandan Prasad Misra: Is the application to be stamped and presented personally or by post?

(No reply from Government.)

*12. **Pandit Brijnandan Prasad Misra:** Will the Government inform the Council if one man of Rampur Amrit, police-station Bilsanda (in Pilibhit district), died owing to the injuries inflicted on his body by the sub-inspector of Bilsanda and his companions?

If so, what are the circumstances of the case?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

The second officer of police-station Bilsanda with two constables went to Rampur Imrit with warrants issued by a court for the arrest of three men, Raja Ram, Ajodhia Prasad, and Mindai. He feared resistance and took five men of a neighbouring village to assist him. He had arrested Raja Ram, when he and his party were attacked by about fifteen men including Ajodhia Prasad, who attacked the sub-inspector with a *lathi* and broke his collar-bone. Another batch of fifteen villagers joined in the fight, in which Ajodhia received a blow on the head from which he eventually died in hospital. The sub-inspector fired his revolver in the air and the villagers moved away. All the villagers prosecuted for this assault were convicted and sentenced to various terms of rigorous imprisonment by the Sessions Judge of Kumaun.

***13. Pandit Brijnandan Prasad Misra :** Is it a fact that the officer in charge of the Bilsanda police-station (district Pilibhit) raided the village Rampur Bakainia along with a number of villagers of a neighbouring village?

If so—

- (a) Under what circumstances was this done and how many persons accompanied the station officer in the raid?
- (b) Were any allegations made against the police-officer or his companions, and how were those allegations disposed of? Was any local inquiry made by the District or the Sub-divisional Magistrate?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

(a) To make arrests of persons for whom warrants had been issued by a court and of others accused by the police of having committed the assault on the second officer of police-station Bilsanda as detailed in the answer to the preceding question. In addition to four or five constables and chaukidars the station officer took with him fifteen men from village Paharganj.

(b) Yes. The Deputy Inspector-General made an investigation and found that the allegations were either totally false or grossly exaggerated. He had the assistance of the honourable member who asks this question during the greater part of the inquiry, but unfortunately the honourable member did not wait long enough at the village to enable him to hear the witnesses in defence of the police party. No local inquiry was made by the District or the Sub-divisional Magistrate; the Superintendent of Police had made an exhaustive local inquiry before the honourable member spoke about the affair.

Pandit Brijnandan Prasad Misra : Why was the inquiry entrusted to a police-officer when the complaints related to the Police department itself?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is a novel question, because it implies that the police-officer who was in charge of that particular circle and conducted the inquiry could not be expected to be impartial.

***14. Pandit Brijnandan Prasad Misra :** How many sub-inspectors have been transferred from the district of Pilibhit after the investigation of Rampur Amrit happenings by the Deputy Inspector-General of Police, and why?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Three. In the interests of the public service.

***15. Pandit Brijnandan Prasad Misra :** Will the Government inform the Council if the police resorted to firing in the recent Hindu-Moslem riots in Pilibhit?

If so—

- (a) How many shots were fired by the police, and under whose orders?
- (b) Did the Police Superintendent also fire?
- (c) What justification for firing existed?

The Hon'ble Mr. S. P. O'Donnell : Three cartridges were fired by two constables at a man who had previously fired at them. The Superintendent of Police did not fire.

***16. Pandit Brijnandan Prasad Misra :** Will the Government inform the Council how many of the people injured by gun-shots are Hindus and how many Muhammadans?

The Hon'ble Mr. S. P. O'Donnell : One Hindu and four Muhammadans were injured by gun-shots sufficiently seriously to require treatment in hospital for about a fortnight. About 25 shots were fired by private persons during the course of riot at Pilibhit.

STAFF MAINTAINED BY PUBLIC WORKS DEPARTMENT FOR
DISTRICT BOARDS WORK.

***17. Pandit Bhagwat Narayan Bhargava :** How much staff does the Public Works department maintain for doing the works of district boards?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No staff is maintained separately for the execution of district boards works.

LOCAL ROADS TAKEN OVER BY DISTRICT BOARDS.

***18. Pandit Bhagwat Narayan Bhargava :** How many district boards in the United Provinces have expressed their intention to take over the local metalled roads?

The Hon'ble Nawab Muhammad Ahmad Sa'id Khan : Forty-one of the plains district boards expressed their intention to take over their metalled roads. The district boards of Dehra Dun, Almora, Garhwal, and Naini Tal were not asked to take over their roads, but the Government is now considering the question whether those boards should not be asked to take over certain local roads for maintenance.

DISTRICT ENGINEERS.

***19. Pandit Bhagwat Narayan Bhargava :** Is the Government going to retain the services of all the District Engineers even after the district board works are transferred from the Public Works department?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : It is proposed to amalgamate the offices of the District Engineers with the offices of the Executive Engineers after the district board works have been taken over by the boards. The number of assistants to the Executive Engineers which it is proposed to retain is given in resolution No. 774-M.C., dated the 1st July, 1924, on the report of the Public Works Reorganization Committee, a copy of which is placed on the honourable member's table.

DALIS.

***20. Pandit Bhagwat Narayan Bhargava :** Is the Government aware that acceptance of *dalis* by the District Magistrates and the Commissioners is still in vogue in several districts and divisions?

***21. Pandit Bhagwat Narayan Bhargava :** What action does the Government deem fit to take against those officers who accept such *dalis*?

The Hon'ble Mr. S. P. O'Donnell : The rule on the subject is in paragraph 303 of the Manual of Government Orders. This rule should

be read with resolution No. 1636/III—114 of 6th October, 1919, prohibiting the acceptance of *dalis* by Government officers from officials subordinate to them.

Pandit Bhagwat Narayan Bhargava : Am I to understand that they can accept *dalis* from non-officials and such officials as are not subordinate to them?

The Hon'ble Mr. S. P. O'Donnell : I will refer the honourable member to the rule, where he will find the orders clearly stated.

CANTONMENT BOARD, JHANSI, AND MR. J. H. ABBOTT.

*22. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state what interest or community has Mr. J. H. Abbott been nominated to represent on the Jhansi Cantonment Board, recently constituted?

The Hon'ble Mr. S. P. O'Donnell : Mr. Abbott was nominated to represent the Anglo-Indian community.

*23. **Pandit Bhagwat Narayan Bhargava :** Was Mr. Abbott nominated under section 14 (1) (e) of the Cantonment Act?

The Hon'ble Mr. S. P. O'Donnell : Yes.

*24. **Pandit Bhagwat Narayan Bhargava :** Is the Government aware that the Indian Christian community is entirely unrepresented in the Jhansi Cantonment Board?

The Hon'ble Mr. S. P. O'Donnell : Yes.

Pandit Bhagwat Narayan Bhargava : Does the Government propose to give any representation to Indian Christians?

The Hon'ble Mr. S. P. O'Donnell : It is not within the discretion of the Local Government to grant representation. Mr. Abbott was nominated by the military authorities under the Cantonment Act.

RELIGIOUS INSTRUCTION IN JAILS.

*25. **Pandit Bhagwat Narayan Bhargava :** In how many jails have the Government sanctioned the appointment of religious volunteer instructors?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Voluntary religious teachers are permitted to visit all jails on certain conditions.

Bai Bahadur Lala Sita Ram : Will the Hon'ble the Home Member be pleased to have these conditions published for public information?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I will consider the question.

Pandit Bhagwat Narayan Bhargava : Do such teachers exist in any district of the province?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

*26. **Pandit Bhagwat Narayan Bhargava :** Has the Government made a rule that these instructors will not be appointed, even though recommended by the Member Legislative Council for the district, unless they are approved of by the District Magistrate?

If so, will the Government state the reasons for adopting this procedure?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The approval of the District Magistrate is required for any such appointment. In view of the responsibility attaching to the District Magistrate under section 11 of the Prisons Act, IX of 1894, and paragraph 90 of the Jail Manual, his approval is essential.

Pandit Bhagwat Narayan Bhargava : Has the approval or disapproval of the District Magistrate anything to do with the political views of the teacher ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

* 27. **Pandit Bhagwat Narayan Bhargava :** Has the Government fixed any qualifications for such instructors, or any condition for their being approved as such ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

Rai Sita Ram Bahadur : In reply to the question the Hon'ble the Home Member has said "No." Is this a reply to the first part of the question or to the second part? In answer to question No. 25 Government have said that voluntary religious inspectors are permitted to visit jails on certain conditions. Why are any conditions imposed?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : That will be the lookout of the Magistrate and Collector and no conditions on behalf of the Government have been imposed.

Rai Sita Ram Bahadur : Does the Hon'ble the Home Member mean that every District Magistrate is free to impose his own conditions?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No. There must be some general lines.

Rai Sita Ram Bahadur : Have these general lines been laid by the Government at all?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is left to the discretion of the Magistrate.

Rai Sita Ram Bahadur : Will the Government be pleased to lay down some general lines?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I will consider the question.

AGRA TENANCY BILL.

* 28. **Pandit Bhagwat Narayan Bhargava :** When is the Government going to consider the report of the Select Committee on the Agra Tenancy Bill?

The Hon'ble Mr. S. P. O'Donnell : The report of the committee is under consideration.

* 29. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to order the Publicity Commissioner to publish a large number of vernacular translations of the Bill amongst the zamindars and tenants of these provinces for information?

The Hon'ble Mr S. P. O'Donnell : Before introduction the Bill will be published in the vernacular in the Government Gazette, and further copies of the Bill will be on sale at the Government Press. Government do not propose a free distribution.

CHIRGAON TOWN AREA IN JHANSI.

*30. **Pandit Bhagwat Narayan Bhargava**: Will the Government kindly state the income of the Chirgaon town area in Jhansi district during the year 1923-24 from weighing dues and the estimated income from the same source in the budget of the year 1924-25?

The Hon'ble Rai Rajeshwar Bali: The income in 1923-24 was Rs. 2,000, and that estimated in 1924-25 amounts to Rs. 15,000.

*31. **Pandit Bhagwat Narayan Bhargava**: Is it a fact that all the members of the *panchayat* there were against the increase of taxation?

The Hon'ble Rai Rajeshwar Bali: There has been no increase in taxation. The right of collecting weighing dues was in the form of a contract and the profits went into the middleman's pocket. To eliminate them it was decided to collect the weighing dues directly by the servants of the town area *panchayat*. It is this change in the system of collection to which the members of the *panchayat* were opposed.

*32. **Pandit Bhagwat Narayan Bhargava**: Will the Government kindly state the reasons for which the District Magistrate overruled them?

The Hon'ble Rai Rajeshwar Bali: The District Magistrate overruled the *panchayat* in order that the profit which was intercepted by the middleman might be secured for the benefit of the town area.

*33. **Pandit Bhagwat Narayan Bhargava**: How many years has Mr. R. H. Williamson been a District Magistrate at Jhansi, and how many times has he overruled Chirgaon town area *panchayat*?

The Hon'ble Rai Rajeshwar Bali: Mr. Williamson has been the District Magistrate of Jhansi for three and a half years. He has not overruled the Chirgaon *panchayat* on any other occasion.

MOTH AND RANIPUR TOWN AREAS IN JHANSI.

*34. **Pandit Bhagwat Narayan Bhargava**: Has the District Magistrate increased the taxation this year at Moth and Ranipur town areas? If so, why, and in what direction?

The Hon'ble Rai Rajeshwar Bali: No.

LADY C. I. D. OFFICERS.

*35. **Babu Damodar Das**: Is it a fact that there are lady C. I. D. officers—eight of the constable, two of the jamadar, and one of the sub-inspector ranks in Benares?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer is in the negative.

*36. **Babu Damodar Das**: How many lady C. I. D. officers in the provinces are there?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: None.

EXAMINATION OF RAPE CASES BY LADY DOCTORS.

*37. **Babu Damodar Das**: Will the Government issue instructions that only lady doctors be allowed to examine rape cases and make arrangements to provide lady doctors where there are none for such cases?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: In the present conditions the issue of the orders proposed would be ineffectual

in view of the scarcity of qualified lady doctors in Government service, and financial considerations prevent action being taken on the lines of the last part of the question.

Babu Damodar Das : Will the Government be pleased to issue instructions for places where lady doctors are available?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : So far as I know they are not available.

Babu Damodar Das : In Benares, in Allahabad, and in other big cities they are available.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is a question of money, and if you vote for it, I shall have no objection.

Babu Damodar Das : It is not a question of money because they are available in Benares and other places where Government hospitals exist.

(No answer.)

HONORARY OFFICERS.

*38. **Rai Bahadur Babu Vikramajit Singh :** Will the Governments be pleased to give the names, ages, educational qualifications, the powers they exercise, and length of time they have held office of all the honorary magistrates, honorary assistant collectors, and honorary munsifs in the Cawnpore district?

*39. Are there any of the above who sit singly? Please give their names?

*40. Will the Government be pleased to give the number of cases decided by each of the above officers sitting singly in the course of a year?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : A statement containing the information asked for is laid on the table.

*41. **Rai Bahadur Babu Vikramajit Singh:** Are there any honorary officers who are too old to exercise their powers? If so, what does the Government intend to do in their cases?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer to the first part of the question is in the negative and the second part does not therefore arise.

Rai Bahadur Babu Vikramajit Singh: May I ask the Hon'ble the Home Member what is the age at which he considers that people become too old to exercise magisterial functions?

(No answer.)

REGISTRATION FEES ON MOTOR-VEHICLES.

*42. **Rai Bahadur Babu Vikramajit Singh:** Will the Government be pleased to state if registration fee is charged on motor-vehicles (1) private, and (2) plying for hire and what are the rates and when were they imposed?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes. For rates of registration fees the honourable member is referred to rules 3(1) and (2) of the United Provinces Motor Vehicles Rules, 1924, which are reproduced below. All these rules came into force on the 1st March, 1924, but rule 3(2) (c) became operative on the 1st May, 1924.

UNITED PROVINCES MOTOR VEHICLES RULES, 1924.

* * * * *

II.—REGISTRATION.

* * * * *

3. (1) No motor vehicle shall be used until it has been registered by the registering authority. In the case of any motor vehicle which has already been registered outside the United Provinces in accordance with the Act and is required for use in the United Provinces no re-registration shall be necessary until the expiry of the period for which under clause 2) of this rule such vehicle might have been registered in the United Provinces:

Provided that no person shall be punishable for a breach of this rule if he has had no reasonable opportunity of registering the motor vehicle in accordance therewith:

Provided also that it shall not be necessary to re-register light vehicles which have already been registered under the United Provinces Motor Vehicles Act, 1911.

(2) (a) The fee for such registration shall be sixty-four rupees for a heavy motor vehicle, thirty-two rupees for a light motor-car or motor-cab, and eight rupees for a motor cycle.

In the case of motor-cabs, motor-lorries and motor-buses or omnibuses plying for hire such registration shall remain in force for a period of not more than twelve months from the date thereof.

(b) Registration of motor-cabs, motor-lorries and motor-buses or omnibuses plying for hire shall expire on the 31st December, next following the date on which registration was made. The fees for the first registration of such vehicles if for part of a year shall be as follows:—

For heavy motor vehicles plying for hire.

- (i) Rupees 64 if registered by the 31st of March.
- (ii) Rupees 56, if registered between the 1st April and the 30th June.
- (iii) Rupees 48 if registered between the 1st July and the 30th September.
- (iv) Rupees 40 if registered after the 30th September.

For light motor vehicles plying for hire.

- (i) Rupees 32 if registered by the 31st of March.
- (ii) Rupees 28 if registered between the 1st April and the 30th June.
- (iii) Rupees 24 if registered between the 1st July and the 30th September.
- (iv) Rupees 20 if registered after the 30th September.

(c) Registration may be renewed for any subsequent year on payment of a fee of Rs. 32 for such motor-cabs, motor-lorries and motor-buses or omnibuses as are heavy motor vehicles, and Rs. 16 for such as are light motor vehicles. In the case of other motor vehicles registration need not be renewed.

*43. **Rai Bahadur Babu Vikramajit Singh:** What is the amount of fee annually realized under each head?

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan:** The registration fee realized under each head is given below:—

	Private motor vehicles.	Motor vehicles plying for hire.
	Rs.	Rs.
1st April, 1923 to 31st March, 1924	14,919	14,284
1st April, 1924 to 31st October, 1924 (seven months)	7,066	11,480

*44. **Rai Bahadur Babu Vikramajit Singh:** What are such registration fees charged for?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Registration fees are charged to cover the expenses incidental to registration and also with a view to obtaining a certain amount of revenue from the users of motor-cars to compensate in a very small measure for the increased cost of the construction and maintenance of roads due to the wear and tear caused by motor traffic.

Rai Bahadur Babu Vikramjit Singh: Is any part of this revenue given either to the municipal board or to the district board for the repairs of roads?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No, certainly not.

Rai Bahadur Babu Vikramajit Singh : Then how is this revenue applied to the maintenance of roads ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : There are many roads outside municipalities.

***45. Rai Bahadur Babu Vikramajit Singh :** Did the Government receive any communication from the Upper India Chamber of Commerce urging the abolition of registration fees or reducing it to a nominal figure ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

***46. Rai Bahadur Babu Vikramajit Singh :** How is this money received for registration fees spent ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The money realized from registration fees is treated as "Revenue" and is expended as considered necessary by Government.

***47. Rai Bahadur Babu Vikramajit Singh :** Is the Government aware that motor transport business is doing very badly ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government have no information.

***48. Rai Bahadur Babu Vikramajit Singh :** Will the Government be pleased either to abolish it altogether or charge only a nominal fee ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

***49. Lala Dhakan Lal :** Will the Government be pleased to state the minimum population required for the application of the United Provinces Town Area Act in any town or village ?

The Hon'ble Rai Rajeshwar Bali : No minimum population has been prescribed.

RICHA, DISTRICT BAREILLY.

***50. Lala Dhakan Lal :** Will the Government be pleased to state the population of Richa, tahsil Baheri, district Bareilly ?

The Hon'ble Rai Rajeshwar Bali : 1,335.

***51. Lala Dhakan Lal :** Having regard to the population of Richa and wishes of the inhabitants of that place, will the Government replace the Town Area Act by the Village Sanitation Act ?

The Hon'ble Rai Rajeshwar Bali : The suggestion is being examined.

DAM ON THE KULLI RIVER IN BAHERI TAHSIL, BAREILLY.

***52. Lala Dhakan Lal :** Will the Government be pleased to state the total cost of making and maintaining the dam over the river Kulli in Baheri tahsil and also the Chaugaza connected with the dam from the time it was originally made ?

The Hon'ble Mr. S. P. O'Donnell : The Kulli dam originally cost Rs. 49,867 and the canal Rs. 25,249 in 1914. The old dam was destroyed by a flood in 1916 and rebuilt at a cost of Rs. 70,848. A

statement is laid on the table showing the cost of maintenance and repairs since 1904-5.

Statement showing maintenance and repairs charges incurred on the Kulli Canal in the years 1904-5 to 1923-24.

Year.					Cost of maintenance and repairs in rupees.
1904-5	..	..	..	..	6,762
1905-6	..	..	..	..	823
1906-7	..	..	..	..	1,015
1907-8	..	..	..	..	3,221
1908-9	..	..	..	..	1,386
1909-10	..	..	..	..	1,490
1910-11	..	..	..	..	517
1911-12	..	..	..	..	3,918
1912-13	..	..	..	..	2,600
1913-14	..	..	..	..	830
1914-15	..	..	..	..	1,296
1915-16	..	..	..	..	1,487
1916-17	..	..	..	..	2,239
1917-18	..	..	..	..	1,865
1918-19	..	..	..	..	1,343
1919-20	..	..	..	..	1,695
1920-21	..	..	..	..	930
1921-22	..	..	..	..	1,897
1922-23	..	..	..	..	1,937
1923-24	..	..	..	..	3,723

*53. **Lala Dhakan Lal** : Will the Government be pleased to state the average annual expenditure over the work including staff and office and also the average annual revenue derived from the said work ?

Rs.

The Hon'ble Mr. S. P. O'Donnell : Average revenue ... 7,562

Average annual expenditure (excluding figures for staff and office which are not available separately) 1,921

*54. **Lala Dhakan Lal** : Will the Government be pleased to state the total area supposed to be irrigated by the said work and whether the said dam can and does supply the quantity of water which is required for that area throughout the year and particularly at the time of the sugarcane crop season ?

The Hon'ble Mr. S. P. O'Donnell : The work was designed to irrigate 5,498 acres and the canal can supply this area when water is available. The river is, however, only a small stream and supplies often run short in a dry season.

*55. **Lala Dhakan Lal** : If the annual revenue derived from the said work falls short of the average annual expenditure, will the Government be pleased to take measures to make the work more serviceable and profitable ?

The Hon'ble Mr. S. P. O'Donnell : Does not arise in view of reply to question No. 53 above.

DISTRICT ADVISORY COUNCILS.

*56. **Pandit Nanak Chand** : Will the Government be pleased to state what action, if any, they have taken or propose to take on the resolution of this Council about the formation of district advisory councils ?

The Hon'ble Mr. S. P. O'Donnell : Government have given most careful consideration to this resolution, but for the reasons explained during the course of the debate, they consider that it would be constitutionally unsound to appoint district advisory councils.

Pandit Brijnandan Prasad Misra : Was the matter referred to any legal authority for the purpose of eliciting information as to the point being constitutional or not ?

The Hon'ble Mr. S. P. O'Donnell : That was a matter for the judgment of the Government.

MEDICAL OFFICERS OF HEALTH IN MUNICIPALITIES.

*57. **Pandit Nanak Chand** : (a) Is it a fact that medical officers of Health working in municipalities are members of the Provincial Service ?

(b) Is it a fact that their posts are non-pensionable and municipalities do not allow them any provident fund benefits ?

(c) Does the Government propose to take any steps either to make the post pensionable or initiate provident fund scheme to make provision for the old age of these officers ?

The Hon'ble Rai Rajeshwar Bali : (a) Yes.

(b) Yes.

(c) No. The rates of pay of medical officers of health were fixed at high figures to compensate for the absence of pension ; and being Government servants they are not eligible for the benefits of municipal provident funds.

GOVERNMENT ORDERS REGARDING NAGRI CHARACTER IN COURTS AND PUBLIC OFFICES.

*58. **Pandit Nanak Chand** : Will the Government be pleased to lay a copy of G. O. No. 585/III—343-C., dated the 18th April, 1900, and No. 1578/III—343-C., dated the 1st October, 1900, on the table ?

The Hon'ble Mr. S. P. O'Donnell : Copies of the G. O's are laid on the table.

SCALE OF PAY OF AGRICULTURAL SERVICE OFFICERS.

*59. **Pandit Nanak Chand** : (a) Will the Government be pleased to give the scales of pay of the following officers of the Agricultural Service :—

(1) Provincial ;

(2) Subordinate lower and upper grades ?

(b) What authorities make appointments to each class of these officers ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :

(a) (1) Rupees 260—25—750 per mensem.

(2) Lower division: Rupees 65, Rs. 90, Rs. 110, and Rs. 140 per mensem.

Upper division: Rupees 160, Rs. 95, Rs. 210, Rs. 240, and Rs. 270 per mensem.

(b) The appointments to the Subordinate Agricultural Service are made by the Director and to the Provincial Service by Government.

*60. **Pandit Nanak Chand**: Will the Hon'ble Minister consider the advisability of constituting a Selection Board for appointments to the Provincial and Subordinate (both lower and upper grades) Agricultural Service?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Government will be prepared to consider the suggestion so far as direct appointments to the Provincial Agricultural Service are concerned.

Pandit Nanak Chand: When will the Government be prepared to consider this suggestion?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Wait and see.

*61. **Pandit Nanak Chand**: Will the Government be pleased to lay on the table a list of officers of the Subordinate Agricultural Service who do not hold any University degree or a diploma or a certificate from a school in agriculture?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The required list is placed on the table of the honourable member.

List of officers of the Subordinate Agricultural Service who do not hold any University degree or a diploma or certificate from a school in agriculture.

1. M. Zia-ud-din Hyder.
2. M. Nizam-ud-din Hyder.
3. M. Muhammad Baqa.
4. M. Kabir Khan.
5. Subedar Hari Ram Singh.
6. Saiyid Ali Akbar.
7. M. Nur Ahmad Khan.
8. M. Karamat Ali.
9. Babu Bindeshri Singh.
10. Babu Phul Singh.
11. Mr. G. C. Bose.
12. Babu Daryao Singh.

SALE OF POLICE REGULATIONS AND FINGER PRINT MANUAL.

*62. **Pandit Nanak Chand**: (a) Is it a fact that the sale of copies of Police Regulations and Finger Print Manual is dependent on the previous sanction of the Inspector-General of Police?

(b) Is the condition mentioned in part (a) made applicable to M. L. C's, members of the Bar and Bar Associations as well?

(c) Will the Government be pleased to remove this condition and permit the unrestricted sale of both of these publications?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (a) Yes.

(b) Yes.

(c) The reason for the restriction is that only a limited number of copies of the Police Regulations and the Finger Print Manual were printed. The Inspector-General's previous sanction is necessary, as the copies available for official requirements might otherwise be insufficient. The public demand for copies has hitherto been small.

Mr. Mukandi Lal : Will the Government be pleased to issue instructions to print a larger number of copies in view of the fact that there will be a larger demand?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It will be seen when there will be a larger demand.

Pandit Nanak Chand : How can the Hon'ble the Home Member ascertain the demand unless the restriction is removed?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : When more applications are received by the Inspector-General, then the Government will consider the matter.

Pandit Nanak Chand : Is any number necessary for considering the demand to be complete?

(No answer.)

ZILADARS OF IRRIGATION DEPARTMENT.

*63. **Pandit Nanak Chand :** (a) Is the Government aware that there is a considerable feeling of dissatisfaction among ziladars of the Irrigation department with the working of the present method of selection from their class to the rank of Deputy Magistrate in the Irrigation department?

(b) Will the Government be pleased to constitute a Selection Board for the purpose?

The Hon'ble Mr. S. P. O'Donnell : (a) No.

(b) Government does not consider this necessary.

JURY SYSTEM.

*65. **Pandit Nanak Chand :** Do the Government intend to extend the jury system? If so, where, and to what extent?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to notification No. 2749/VI—1122, dated the 26th August, 1924.

REGISTRAR, CO-OPERATIVE SOCIETIES.

*66. **Pandit Nanak Chand :** Is it a fact that the Government intend to appoint a European Indian Civil Service officer as Registrar, Co-operative Societies? If so, will the Government be pleased to state the circumstances which have led them to decide to appoint an Indian Civil Service officer?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The intentions of Government at present are not as stated in the question.

NUMBER OF LIQUOR LICENCES IN BHOWALI.

*67. **Pandit Nanak Chand :** (a) What is the number of liquor licences in Bhowali (Naini Tal district) ?

(b) Has any canteen licence been granted to the hotel licensees ?

(c) Is the canteen licence meant only for regimental contractors who have their shops within the cantonment and under military control ?

(d) What precautions, if any, have been taken to prevent the canteen licensees from selling to the civil population ?

(e) Will the Government be pleased to consider the advisability of cancelling the canteen licences ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Shop licence for sale "off" the premises (form F. L. 9) ... One.

Hotel licence for sale to hotel residents and *bond-fide* travellers only (form F. L. 3) Three.

(b) Yes.

(c) No.

(d) Sales to civil population are strictly prohibited under condition 3 of the canteen licence (form F. L. 6) to which attention of licensees has been specially directed.

(e) The licences have been granted on the recommendation of the military authorities and the reply is in the negative.

NUMBER OF COUNTRY LIQUOR SHOPS AT NAINI TAL.

*68. **Pandit Nanak Chand :** (a) What is the number of country liquor shops at Naini Tal, and what is the method of their licensing ?

(b) Is it a fact that one licensee holds more than one licence ?

(c) Is it a fact that some local people applied for licences ?

(d) Did the Licensing Board recommend that licences be given to local applicants ?

(e) Will the Government be pleased to give effect to the recommendation of the Licensing Board ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Two. They are licensed by the Excise Licensing Board each year.

(b) No.

(c) Yes.

(d) Yes. The licensees recommended by the Excise Licensing Board hold the two shops for the current year.

(e) The question does not arise.

AMETHI RIOT.

*69. **Pandit Nanak Chand :** Will the Government be pleased to make a detailed statement about the riot at Amethi, the circumstances leading to it, the temples desecrated, the number of casualties, and what legal proceedings, if any, is Government taking, and against whom ?

The Hon'ble Mr. S. P. O'Donnell : Cases arising out of the riot are at present *sub judice*, and no statement can therefore be made.

INDIAN DIVISIONAL INSPECTORS IN RAILWAY POLICE.

*70. **Pandit Nanak Chand** : Will the Government be pleased to state the number of Indian divisional inspectors in the Railway Police, and when were they appointed as such ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : There are three Indian divisional inspectors in the railway police. They were appointed to this rank on the 12th of April, 1923, 15th of May, 1923, and 29th of May, 1924. A fourth is just being appointed.

INDIAN RESERVE INSPECTORS OF POLICE.

*71. **Pandit Nanak Chand** : (a) Will the Government be pleased to lay on the table the scheme for the selection of Indian reserve inspectors of police with the rules or regulations, if any, made for the purpose ?

(b) Are there any Indian reserve inspectors of police ?

(c) When and how many Indian reserve inspectors of police do the Government propose to appoint during the current year ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) and (b) The honourable member is referred to the replies given to starred Questions Nos. 65 and 66 of the 15th December, 1924.

(c) No definite number can be given, as it depends partly on the occurrence of vacancies and partly on the completion of the training of sub-inspectors approved for promotion to these posts.

(Starred Question No. 65 asked by BABU MOHAN LAL SAKSENA at the Council meeting held on the 15th December, 1924, with the answer thereto as referred to in starred Question No. 71 for 16th December, 1924).

QUESTION.

*(a) Are indian reserve inspectors allowed to hold independent charge of reserve lines ?

(b) If so, how many Indian reserve inspectors are holding such independent charge at present ?

(c) Will the Government be pleased to state if sub-inspectors of reserved civil police are promoted to the posts of reserve inspectors ?

(d) If so, will the Government be pleased to state the total number of such sub-inspectors who have been promoted to the post of reserve inspector during the last four years ?

ANSWER.

a) Yes, as soon as they are qualified.

(b) One.

(c) Yes.

(d) One as a reserve inspector and four as divisional inspectors of railway police.

MUHAMMAD ALI MUHAMMAD KHAN,

Home Member.

(Starred Question No. 66 asked by BABU MOHAN LAL SAKSENA at the Council meeting held on the 15th December, 1924, with the answer thereto as referred to in starred Question No. 71 for the 16th December, 1924).

QUESTION.

*Are there any fixed rules for the promotion of sub-inspectors of civil police to posts of reserve inspectors?

If so, will the Government lay a copy of the same on the table?

ANSWER.

*The Government has recently accepted proposals made by the Inspector-General of Police laying down the lines on which sub-inspectors of the civil police may be promoted to the post of reserve inspector. Rules are being drawn up on the lines of these proposals.

MUHAMMAD ALI MUHAMMAD KHAN,

Home Member.

DEPUTY SUPERINTENDENTS OF POLICE.

*72. Pandit Nanak Chand: Will the Government be pleased to state when they propose to give effect to the recommendation of the late Council on the question of promotion of Deputy Superintendents of Police to the rank of Superintendents of Police?

The Hon'ble Mr. S. P. O'Donnell: Five officers of the seven required have so far been appointed. It is hoped to complete the number in 1925.

Pandit Nanak Chand: By what time in 1925?

The Hon'ble Mr. S. P. O'Donnell: I hope by about March.

TRAVELLING ALLOWANCE TO GAZETTED OFFICERS.

*73. Pandit Nanak Chand: (a) Will the Government be pleased to state the number of gazetted officers serving in these provinces who were entitled to draw travelling allowance as first class officers and who will in future be entitled to draw allowance as second class officers under the new travelling allowance rules?

(b) How many of them are Europeans?

The Hon'ble Mr. S. P. O'Donnell: (a) and (b). The honourable member can obtain the figures required from the Civil List.

SUBORDINATE AGRICULTURAL SERVICE.

* 74. Pandit Nanak Chand: (a) Will the Government be pleased to state the number of appointments made to the Subordinate Agricultural Service during the period beginning from the time when the results of 1923 examinations of Bulandshahr Agricultural School and Cawnpore Agricultural College two years' vernacular course were announced and ending in April, 1924?

(b) Will the Government be further pleased to state the date or dates of the appointments referred to in part (a)?

(c) Will the Government be also pleased to state the number of appointments referred to in part (a) given to the successful candidates of the Bulandshahr Agricultural School ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Seven.

(b) March, 1924.

(c) None.

***75. Pandit Nanak Chand :** Will the Government be pleased to state the number of ex-students of the Agricultural School, Bulandshahr, and the Cawnpore College two years' vernacular course, respectively, employed by the department since May, 1924, stating further the method of their recruitment and the conditions of their service ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No students of the two years' course of the Agricultural College, Cawnpore, have been appointed since May, 1924. Two students of the Agricultural School, Bulandshahr, have been appointed since May, 1924, one as junior teacher at the school on Rs. 60 and one as fieldman in the cattle-breeding section on Rs. 70. The appointments are not in the regular cadre of the Subordinate Agricultural Service and were made on the recommendation of the officers under whom they were subsequently appointed. Appointments to the Subordinate Agricultural Service are generally made in the order of merit in which students pass the final examination.

Pandit Nanak Chand : Will the two students who have now been employed from the Bulandshahr school be taken into the Subordinate Provincial Service ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I will take this matter into consideration.

I am not prepared to reply to it now.

**CAWNPORE AGRICULTURAL COLLEGE AND AGRICULTURAL SCHOOL,
BULANDSHAHR.**

***76. Pandit Nanak Chand :** (a) Is it a fact that the first Minister in charge of Agriculture had decided and made it known that the Cawnpore Agricultural College two years' vernacular course will be discontinued in view of the opening of the Agricultural School, Bulandshahr ?

(b) If the answer to part (a) be in the affirmative, will the Hon'ble Minister be pleased to state if he also adheres to that decision ?

(c) If the answer to part (b) be in the affirmative, then when and what action is proposed to be taken ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) So far as I am aware, the discontinuance of the two years' course at the Cawnpore Agricultural College does not depend on the opening of the Agricultural School at Bulandshahr.

(b) and (c) Do not arise.

***77. Pandit Nanak Chand :** (a) Will the Government be pleased to state if the ultimate object of two years' vernacular courses at the Agricultural College, Cawnpore, and the Agricultural School, Bulandshahr, is identical or the courses at the two institutions are designed to serve distinct interests and purposes ?

(b) If the latter be the case, will the Government be pleased to state the main differences in the curricula followed and the training imparted at the two institutions?

(c) Will the Government be pleased to lay on the table a copy each of the application forms and prospectuses for the students of the two years' courses at both these institutions?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) The answer to the first part of the question is in the affirmative. The second part does not arise.

(b) Does not arise.

(c) Copies are laid on the table of the honourable member.

***78. Pandit Nanak Chand :** (a) Is the Government aware that some responsible officers of the Agricultural department and the Agricultural College, Cawnpore, have made it known that appointments to the Subordinate Agricultural Service and to the post of amins in the Irrigation branch of the Public Works department will be generally confined to the students of two years' vernacular course at the Agricultural College, Cawnpore, to the exclusion of the students of the Bulandshahr Agricultural School?

(b) Will the Government be pleased to lay on the table a copy of an application from Babu Ram Saroop Gomat, sub-overseer, V Sarda division, Shahjahanpur, to the Principal, Agricultural College, Cawnpore, for the transfer of his brother, Bishambhar Dayal, from the Agricultural School, Bulandshahr, to the two years' course at the Agricultural College, Cawnpore, together with the said Principal's reply to the said Babu Ram Saroop Gomat, No. 5455/3, dated Cawnpore, the 27th of June, 1924?

(c) Will the Government be also pleased to lay on the table a copy of the application of Babu Ram Saroop Gomat, sub-overseer, V Sarda division, Shahjahanpur, to the Principal, Agricultural School, Bulandshahr, regarding the transfer of his brother, Bishambhar Dayal, from the said school to the college at Cawnpore?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) The facts are not as stated. Five appointments in the lowest grade of the Subordinate Agricultural Service are guaranteed annually until 1924 to students of the two years' course at the Agricultural College. After 1924 no guarantees of appointment will be given to students of any institution. Passed students of the two years' course at the Agricultural College are eligible for appointment as amins in the Irrigation branch of the Public Works department. Government is considering the possibility of making students of the Bulandshahr Agricultural School similarly eligible.

(b) and (c) No.

***79. Pandit Nanak Chand :** (a) Will the Government be pleased to state the minimum educational qualification necessary for admission to the four years' course at the Agricultural College, Cawnpore, stating further the total number of students undergoing that course with the number of students who held Matriculation or S. L. C. or any other equivalent certificate?

(b) Will the Government be pleased to state the total number of successful students of four years' course with the number of those who possessed Matriculation or equivalent qualifications?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) The minimum educational qualification for admission to the four years' course of the Agricultural College is now the School-Leaving Certificate, Matriculation or equivalent certificate. Previous to January, 1923, the governing body had power to relax this rule in the case of landlords and others not desiring Government service provided they were satisfied of the applicant's suitability for admission. Seventy-five students are taking the four years' course; sixty-seven have passed the Matriculation or School-Leaving Certificate examination.

(b) Sixty-seven students have passed the final examination of the four years' course since its institution. Fifty-four possessed Matriculation or equivalent qualification.

***80. Pandit Nanak Chand :** (a) Is it a fact that recently while on tour Khan Sahib Munshi Abdul Qayum, Warden, Agricultural College, canvassed for students for both the courses at the Agricultural College, Cawnpore ?

(b) If the answer to part (a) be in the affirmative, will the Government be pleased to state if there is any precedent for such canvassing, and whether Government approves of it ?

(c) Did Khan Sahib Abdul Qayum charge any travelling allowance for his tour ? If so, under what head ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Khan Sahib Abdul Qayum toured during the summer vacation of 1924 with the object of personally answering inquiries regarding the courses of instruction at the Agricultural College.

(b) Government consider that this method of bringing the advantages of the agricultural training given at the College to the notice of landlords and others is a useful form of activity and more effective than correspondence.

(c) Travelling allowance charges amounting to Rs. 152 were incurred and met from the grant at the disposal of the Principal of the College.

***81. Pandit Nanak Chand :** Will the Government be pleased to state the functions of the governing body of the Agricultural School, Bulandshahr ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The function of the governing body is to deal with the following subjects:— admissions to the school, fees, the award of stipends and scholarships, the curriculum and time table, the programme of work on the farm, holidays, and such matters of internal administration as may be placed before it.

***82. Pandit Nanak Chand :** (a) Does the Government propose to open any new Agricultural School on the lines of the Bulandshahr Agricultural School in the near future ?

(b) If so, where and when ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to the answer to starred question No. 68 which was given on the 4th April, 1924.

(Copy of question and answer referred to in reply to starred question No. 82 for the 16th December, 1924.)

Question No. 68.*

Will the Government be pleased to state if it intends to establish a greater number of agricultural schools in these provinces?

Answer.

Government will consider the question when further experience of the working of the Agricultural School, Bulandshahr, and of the introduction of agricultural teaching into selected vernacular middle schools has been gained.

***83. Pandit Nanak Chand :** Will the Government be pleased to state if they will consider the desirability of so changing the constitution of the governing body of the Agricultural School, Bulandshahr, as to make it an elective body representative of the Legislative Council, Board of Agriculture and other local bodies interested in the success of the institution?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : As the governing body already contains representatives of the interests mentioned by the honourable member, Government do not consider that any change in its constitution is necessary.

*** 84. Pandit Nanak Chand :** (a) Will the Government be pleased to state if they have received the report of the Joint Committee of the Committee of Courses of the Board of High Schools and Intermediate Education and the representatives of the Agricultural department appointed to consider the proposal of the Board of High Schools and Intermediate Education to establish a course for an Intermediate Diploma in Agriculture?

(b) Will the Hon'ble Minister in charge of Agriculture be pleased to state if he will accept the recommendations of the Joint Committee to the effect that the students holding the diploma of the Intermediate Board be admitted to the 3rd-year class of the four years' course at the Agricultural College, Cawnpore?

(c) Will the department of Agriculture in future require candidates seeking admission to the Agricultural College, Cawnpore, four years' course, to have passed the High School examination or its equivalent as the admission test?

(d) Will the students of the four years' course at the Cawnpore Agricultural College be required on the completion of their first two years' course to appear and pass the Board's Diploma examination as a condition to be admitted to the 3rd-year class of the said course at the Agricultural College, Cawnpore?

(e) Will the courses prescribed for the first two years at the Agricultural College be the same as recommended by the Joint Committee for the Intermediate Diploma examination in Agriculture?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Yes.

(b) to (e) The matter is under consideration.

*85. **Pandit Nanak Chand :** (a) Will the Hon'ble Minister for Agriculture be pleased to state if improved Baldeo *balti* double lifts have been tried in any Government agricultural institution for irrigation purposes ?

(b) If so, where, and with what results ?

(c) If the said lifts are efficient and economic in working, what steps, if any, has the department taken or proposes to take to popularize their use ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a)—The Baldeo *balti* double lift has been tried for many years on Government farms where the conditions are suitable.

(b) They may be seen working during the irrigation season on Cawnpore farms ; the results are very good when the machine is kept in good order.

(c) The Baldeo *balti* is in constant demand on a small scale, and can generally be seen under manufacture in the agricultural workshops. They are only suitable for raising water from canal minors, *jhils* and *nadis*, on to land not more than three to five feet above the water level. The lift is useless for raising water from wells. It has been shown working at many district exhibitions in the past and will continue to be exhibited in the future also, but the limited scope of lift prevents its adoption on any very large scale.

Pandit Nanak Chand : Is this lift shown working at the Agricultural College, Cawnpore, and the Bulandshahr Agricultural School ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan : It has been said in reply that it is shown during the irrigation time.

Pandit Nanak Chand : At the farm and not at the College ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan : At the farm.

Pandit Nanak Chand : Will it be shown working at the Bulandshahr School where students and agricultural people come to pay a visit ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan : It is working there.

Pandit Nanak Chand : It is not working there to the best of my information.

The Hon'ble the President : This seems to me a matter more for the Minister's room than for the Council.

*86. **Pandit Nanak Chand :** (a) How many town vernacular school teachers is it proposed to train in agriculture annually at the Agricultural School, Bulandshahr ?

(b) Will the addition of these students require acquisition of additional land for purposes of instruction and demonstration ? If so, how much, and when is it likely to be acquired ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) A maximum of ten teachers from selected Middle Vernacular schools.

(b) The desirability of enlarging the farm is under consideration.

Pandit Jhanni Lal Pande : How will the selection be made ?

The Hon'ble Rai Rajeshwar Bali : The Education department selected them.

*87. **Pandit Nanak Chand :** (a) What is the extent of hostel accommodation at Bulandshahr Agricultural School for the two years' course students ?

(b) Is the lecture room of the school spacious enough to permit the holding of classes of students of half the number of boarders for the two years' course ?

(c) What is the maximum number of students who can be admitted to the 1st and 2nd-year classes respectively ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Accommodation exists for 82 students.

(b) Yes.

(c) Thirty-six in each class.

SHAIKH MAQBUL HUSAIN'S WEAVING SCHOOLS COMMITTEE.

*88. **Pandit Nanak Chand :** What action, if any, has so far been taken or is intended to be taken on the recommendations of Shaikh Maqbul Husain's Weaving Schools Committee ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to Government resolution No. 2175/XVIII—407, dated the 24th August, 1922, a copy of which is placed on the table of the honourable member.

IMPROVEMENT OF CHARKHA.

*89. **Pandit Nanak Chand :** (a) With reference to first paragraph on page 24 of report of the Director of Industries, United Provinces, for the year 1920-21, will the Hon'ble Minister be pleased to state what action, if any, has the department so far taken to improve the *charkha* ?

(b) What steps has the department taken to encourage the manufacture of the *charkhu* invented by Ram Khelawan of Chapra ?

(c) What steps, if any, has the department taken to encourage hand-spinning as a subsidiary or supplementary industry for agricultural areas ?

(d) When and what action, if any, does the Hon'ble Minister propose to take to improve the *charkha* and to encourage hand-spinning ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) It has not been found possible to remove the apparently inherent defect of the *charkha*, namely, its inability to produce yarn of a good uniform warp. Government has, however, sanctioned a loan of Rs. 2,000 to Mr. Bhagwat Parshad Srivastava, of Mustafabad, Basti, who has invented an automatic spinning machine designed to increase the output.

(b) Two *charkhas* invented by Ram Khelawan have been purchased and placed for inspection by the public in the office of the Director of Industries. The cost of this type is heavy compared with the cost of the ordinary type, and it is doubtful whether the ordinary spinner will be

attracted. The *charkha* will, however, be demonstrated at some of the fairs during the present cold weather.

(c) and (d) In view of the recent intensive political campaign in favour of the hand-spinning, the use of the *charkha* cannot be said to stand in need either of further advertisement or encouragement. The instrument will now, in common with similar industrial devices, stand or fall by its own inherent merits. Government will be pleased to consider the grant of assistance to inventors possessing insufficient capital to develop new types of *charkha* likely to be of increased utility.

INDIAN AND PROVINCIAL EDUCATIONAL SERVICE.

*90. **Pandit Nanak Chand :** What are the qualifications which are taken into consideration in making selection for appointments to the selection grades of Indian Educational and the United Provinces Educational Services besides seniority?

The Hon'ble Rai Rajeshwar Bali : Merit.

DIVISIONAL INSPECTORS.

*91. **Pandit Nanak Chand :** (a) Is it a fact that the Director of Public Instruction had agreed, on the invitation of the Economy Committee, to reduce the number of divisional inspectors by two?

(b) What action, if any, has so far been taken to reduce the number and cadre of the said officers?

The Hon'ble Rai Rajeshwar Bali : (a) The Director of Public Instruction expressed to the Committee his view that in the circumstances existing at the time when the Committee met it was possible to reduce the number of divisional inspectors by two.

(b) The Government have suspended action pending Mr. Kichlu's report in regard to the extension of primary education.

HEADMASTERS AS INSPECTORS OF SCHOOLS.

*92. **Pandit Nanak Chand :** (a) How many Headmasters have been given officiating or substantive appointments as Inspectors of Schools within the last ten years?

(b) Has any Indian Headmaster been so far appointed as Inspector? Are the Inspectors of Schools, officiating or permanent, required to gain previous experience of Anglo-Vernacular schools before their appointment as divisional inspectors?

The Hon'ble Rai Rajeshwar Bali : (a) The information is not readily available; to collect it would involve an amount of labour incommensurate with its value.

(b) The answer to the first part of the question is in the affirmative and to the second part in the negative.

*93. **Pandit Nanak Chand :** Will the Government be pleased to state if they will in future reserve Inspectorship of Schools to selected Indian Headmasters?

The Hon'ble Rai Rajeshwar Bali : Government are not prepared to lay down the restriction suggested, but will consider the claims of Indian Headmasters along with those of others.

Mr. H. David : Does the word "Indian" include Anglo-Indians?

The Hon'ble Rai Rajeshwar Bali : We shall consider their claims also.

Mr. H. David : Also the claims of Indian Christians?

The Hon'ble Rai Rajeshwar Bali : Yes.

GOVERNMENT HIGH SCHOOL, BULANDSHAHR.

*94. **Pandit Nanak Chand :** Is it a fact that the present building of the Government High School, Bulandshahr, has been condemned by successive Inspectors of Schools as being too small, congested, incapable of any expansion to meet the present needs of a high school, and also insanitary for want of any drainage for rain water and other reasons?

The Hon'ble Rai Rajeshwar Bali : The Inspectors' criticisms fall short of the categorical condemnation suggested in the question.

*95. **Pandit Nanak Chand :** Is it a fact that the question of providing a new building for the Government High School, Bulandshahr, had been brought to the attention of the Government before the Montagu-Chelmsford Reforms?

The Hon'ble Rai Rajeshwar Bali : Yes.

*96. **Pandit Nanak Chand :** Is it a fact that the first Minister of Education decided to raise the status of the Government High School, Bulandshahr, to that of an Intermediate College and abandoned the idea of a new high school building in favour of a college building?

The Hon'ble Rai Rajeshwar Bali : Yes.

Lala Babu Lal : Is the honourable member for Bulandshahr Vice-President of the Managing Committee of the Bulandshahr D. A.-V. High School, which wants to obtain possession of these buildings if vacated by the Government?

The Hon'ble Rai Rajeshwar Bali : I have no information.

*97. **Pandit Nanak Chand :** (a) Will the Government be pleased to lay on the table a copy of paragraph 1 of the Director of Public Instruction's letter No. F./3521, dated the 6th January, 1922, addressed to the Inspector of Schools, Meerut division?

(b) Will the Government be pleased to state as to when the question of providing the building will be taken in hand?

The Hon'ble Rai Rajeshwar Bali : (a) No public purpose would be served by complying with the honourable member's request.

(b) When financial conditions permit.

RETIREMENT AFTER 55 YEARS OF AGE IN EDUCATIONAL DEPARTMENT.

*98. **Pandit Nanak Chand :** Will the Government be pleased to state whether the rule of retiring on the completion of 55 years of age is strictly followed in the Educational department or extensions are granted in exceptional cases?

The Hon'ble Rai Rajeshwar Bali : The following rules are observed:—

(a) A Government servant, other than a ministerial servant, is required to retire on attaining the age of 55 years. He

may be retained in service after that age with the sanction of the Local Government on public grounds, which must be recorded in writing; but he must not be retained after the age of 60 years except in very special circumstances.

- (b) A ministerial servant may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing, and with the sanction of the Local Government (Fundamental Rule No. 56).

*99. **Pandit Nanak Chand :** (a) How many of the present Provincial Educational Service Head Masters will have to retire before reaching the maximum of their grade on completion of 55 years of age?

(b) Will the Government be pleased to consider the desirability of granting extension to such Head Masters with recognized service in case they are capable of working efficiently for the period of extension?

The Hon'ble Rai Rajeshwar Bali : (a) The honourable member is referred to the History of Services of Gazetted Officers, Part VI, corrected up to 1st July, 1924, in which the date of birth of all officers in the United Provinces Educational Service is recorded.

(b) The honourable member is referred to rule (a) quoted in reply to starred question No. 98 of today's date.

EDUCATIONAL CODE REVISION COMMITTEE.

*100. **Pandit Nanak Chand :** (a) When was the Educational Code Revision Committee appointed by the first Minister of Education?

(b) When did the committee hold its final sitting?

(c) Has the report of the committee been submitted to the Government? If so, what action have the Government taken so far or propose to take, and when?

(d) If the report of the Educational Code Revision Committee has not yet been submitted to the Government, has the Education department dropped the idea? If not, with whom is the report lying, and when it is likely to be submitted to the Government?

(e) What length of time is Government likely to take to arrive at any final decision on receipt of the report?

The Hon'ble Rai Rajeshwar Bali : (a) November, 1922.

(b) December, 1923.

(c) The honourable member is referred to the reply given to unstarred question No. 32 for the 15th December, 1924, asked by Babu Mohan Lal Saxena.

(d) and (e). Do not arise.

(Unstarred question No. 32, asked on the 15th December, 1924, and the reply given thereto.)

Question. - Will the Government be pleased to state the personnel of the committee appointed to revise the Educational Code? When was the committee appointed? Has it submitted its report? If so, what

action has been taken thereupon? If the report has not been yet submitted, how long will it take the committee to submit its report?

Reply.—A list showing the personnel of the committee is placed on the table of the honourable member. The committee was appointed in November, 1922. The committee has submitted its report, which is being examined by the Director of Public Instruction. The Director's recommendations on some of the chapters of the Code have reached Government and are under consideration. The remaining chapters will be submitted to, and will be considered by, Government when they have been examined by the Director.

EDUCATION THROUGH THE MEDIUM OF VERNACULARS

*101. **Pandit Nanak Chand:** (a) Will the Hon'ble Minister for Education be pleased to state if he has received for his approval a proposal of the Board of High School and Intermediate Education for permitting schools to impart education up to high school stage through the medium of vernaculars?

(b) When did the Hon'ble Minister receive the proposal?

(c) Has the proposal been disposed of by the Hon'ble Minister? If so, how?

(d) If the Hon'ble Minister has not disposed of the proposal, then what action, if any, is proposed to be taken, and when?

The Hon'ble Rai Rajeshwar Bali: (a) No.

(b), (c) and (d) Do not arise.

Pandit Nanak Chand: Has the Hon'ble Minister not received any recommendation of the Board of High School and Intermediate Education on the question of medium of education?

The Hon'ble Rai Rajeshwar Bali: That was for examination and not for imparting education.

INDIANS AS ASSISTANT OR DEPUTY DIRECTOR OF PUBLIC INSTRUCTION.

*102. **Pandit Nanak Chand:** (a) Was it decided by Sir Harcourt Butler acting with his Ministers that of the three high educational administrative posts, namely, those of Director of Public Instruction, his deputy and assistant, one at least should always be occupied by an Indian?

(b) Was it in pursuance of any decision of the nature indicated in part (a) that the first Indian Assistant Director of Public Instruction was appointed when the office of the Deputy Director of Instruction was created?

(c) Was it in pursuance of the same policy that when a vacancy arose in the office of Deputy Director of Public Instruction by the promotion of Mr. Mackenzie, the Indian Assistant Director of Public Instruction was appointed to the vacant post?

(d) Is it a fact that when the Indian Deputy Director of Public Instruction proceeded on leave, his place was filled up by the European Assistant Director of Public Instruction and an Indian was appointed to the vacancy in the office of Assistant Director of Public Instruction?

(e) Is it a fact that since the first appointment of an Indian to one of the three posts, one of the posts had always been held by an Indian?

The Hon'ble Rai Rajeshwar Bali : (a) No.

(b) and (c) Do not arise.

(d) Yes.

(e) Yes.

*103. **Pandit Nanak Chand :** (a) Is it a fact that the Hon'ble Minister of Education has approved of an arrangement by which all the three posts of Director of Public Instruction, Deputy Director of Public Instruction and Assistant Director of Public Instruction will now be occupied by Europeans?

(b) If the answer to part (a) be in the affirmative, will the Hon'ble Minister of Education give the circumstances of his decision?

The Hon'ble Rai Rajeshwar Bali : (a) and (b) The position is as stated for the short period during which the permanent Deputy Director of Public Instruction will be on special duty.

*104. **Pandit Nanak Chand :** (a) Is it a fact that Mr. Moody has been selected to fill the post of Assistant Director of Public Instruction?

(b) Had Mr. Moody any previous experience of administration and office routine? If not, how has he been appointed?

The Hon'ble Rai Rajeshwar Bali : (a) Yes.

(b) The answer to the first part of the question is in the affirmative the second part does not arise.

*105. **Pandit Nanak Chand :** (a) Were the qualifications of the Personal Assistant to the Director of Public Instruction and Mr. Zutshi considered in connection with the appointment of Assistant Director of Public Instruction?

(b) Were the claims of senior Indian Inspectors of Schools considered before Mr. Moody's appointment as Assistant Director of Public Instruction?

The Hon'ble Rai Rajeshwar Bali : (a) and (b) The qualifications and claims of all officers eligible for the appointment were considered.

*106. **Pandit Nanak Chand :** (a) What are Mr. Moody's special qualifications to hold the office of Assistant Director of Public Instruction?

(b) Is it to be understood that no European Inspector of Schools possessed the requisite administrative qualifications?

The Hon'ble Rai Rajeshwar Bali : (a) and (b) In making the appointment Government selected the officer whom they considered to be most fitted for the post.

MR. DAVENDRA NATH PAUL, PRINCIPAL.

*107. **Pandit Nanak Chand :** (a) Did Mr. Davendra Nath Paul work as Principal of the Government Intermediate College, Fyzabad? If so, for how long?

(b) Did Mr. Davendra Nath Paul also officiate as Principal of the Government Intermediate College, Allahabad? If so, for how long?

(c) If answers to parts (a) and (b) be in the affirmative, was his work as Principal satisfactory at either or both of the colleges?

(d) Has Mr. Davendra Nath Paul been held to be incompetent to hold the office of Principal, Government Intermediate College, Allahabad?

(e) If the answer to part (d) be in the negative, what circumstances led to his claim being ignored in favour of Mr. Wall of the Training College, Allahabad?

The Hon'ble Rai Rajeshwar Bali : (a) Yes, for 9 months 29 days.

(b) Yes, for three months 1 day.

(c), (d) and (e) Government are not prepared to discuss the relative merits of their officers.

BEGGING FROM AND CHEATING OF PASSENGERS IN RUNNING TRAINS.

*108. **Pandit Nanak Chand :** (a) Has the attention of the Government been drawn to the growing practice of begging from and cheating of passengers in running railway trains in these provinces in the names of alleged philanthropic institutions?

(b) If the answer to part (a) be in the negative, will the Government be pleased to inquire and to state as to what steps, if any, they propose to take either to stop this practice or to regulate or confine it in the interest of genuine institutions?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) There have been no complaints of recent years of begging from or cheating of passengers in running trains in these provinces in the names of alleged philanthropic institutions.

(b) Ordinary begging at railway stations to the annoyance of passengers undoubtedly occurs, though complaints have not been received of recent years. The Inspector-General of Police is issuing orders drawing the attention of the railway police to the nuisance with a view to its prevention at stations where the Government Railway Police are posted.

HOLIDAYS IN TREASURIES.

*109. **Pandit Nanak Chand :** (a) Is the Government aware that great hardship is experienced by the treasury staff of the district treasuries in attending office on *Alvida*, *Chehlum*, *Holi*, *Diwali*, *Somwati Amawas*, Solar and Lunar eclipses and local holidays, e.g., Ganges Fair and *Sankranti*?

(b) Will the Government be pleased to adopt such measures as to remove this hardship.

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to the answer given to starred question No. 42 for the 1st April, 1924.

(Starred question No. 42 and answer given to it on the 1st April, 1924, referred to in the answer to question No. 109 for the 16th December, 1924.)

Babu Bhagwati Sahai Bedar : Will the Government be pleased to revise the list of holidays under the Negotiable Instruments Act XXVI of 1881, adding holidays, on *Somwati Amawas* for one day, Eclipse for

one day and *Ganga Ashnan* for three days, and extend *Holi* and *Diwali* holidays both to two days ?

The Hon'ble Mr. S. P. O'Donnell : The Government is unwilling to extend the list of holidays under the Negotiable Instruments Act. The festivals mentioned are already observed as general holidays throughout the provinces.

HONORARY MAGISTRATES IN BAREILLY.

*110. **Pandit Nanak Chand :** (a) Has the District Magistrate of Bareilly sent up the names of any persons for appointment as honorary magistrates ?

(b) (i) Do his nominations include the name of one who a few years ago (i.e., 1916) was convicted of the offence of forgery with intent to defame and was actually made to undergo a sentence of several months of imprisonment ?

(ii) Is it a fact that in consequence of his conviction for the above offence he was removed at the time from the membership of the district board ?

(c) What are the instructions of the Government to District Officers as regards the points to be borne in mind at the time of making nominations for honorary magistrates ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (x) No proposal for the appointment of any gentleman as an honorary magistrate has been received from the District Magistrate of Bareilly for some time past.

(b) (i) No.

(ii) Does not arise.

(c) The honourable member is referred to G.O. No. 3117/VI—1682, dated the 25th May, 1923, a copy of which is printed at page 38 of the proceedings of the Legislative Council for the 5th September, 1924.

UNITED PROVINCES POLICE ASSOCIATION.

*111. **Pandit Nanak Chand :** (a) Will the Government be pleased to state if they have received any application from the United Provinces Police Association for recognition ?

(b) If the answer to part (a) be in the affirmative, will the Government be pleased to state what action they have taken or intend to take on the application ?

The Hon'ble Mr. S. P. O'Donnell : (a) The answer is in the negative.

(b) Does not arise.

STAY AT NAINI TAL OF THE ASSISTANT DIRECTOR OF PUBLIC INSTRUCTION.

*112. **Pandit Nanak Chand :** (a) Is it a fact that the period of stay at Naini Tal of the Assistant Director of Public Instruction, who was an European officer, was extended by the Chief Secretary's notification extending the duration of stay of the departmental officers from the 30th September to the 15th October without so extending the period

for the Deputy Director of Public Instruction, an Indian officer senior to the said Assistant Director of Public Instruction ?

(b) What were the conditions which required this differentiation between the two officers ?

The Hon'ble Rai Rajeshwar Bali : (a) The facts are not as stated and suggested by the honourable member. The period of stay of the Assistant Director is limited to one month within the dates mentioned in the question. No question of race or seniority was considered.

(b) The Assistant Director is, under the Director, in charge of the Finance section and of the budget of the Education department, and it is therefore a convenience to Government to have him in Naini Tal when the schedules are under discussion. No extra cost is involved.

PENSIONS FOR COPYISTS.

*113. **Pandit Nanak Chand :** When and what action, if any, do the Government propose to take upon the recommendation of the Chief Inspector of Offices to Government, vide his letter No. 209, dated the 27th December, 1923, for grading the post of assistant copyists with the rest of the staff and making them pensionable ?

The Hon'ble Mr. S. P. O'Donnell : Proposals in this connection are at present in abeyance in view of the uncertainty as to the financial position.

AGE-LIMIT FOR THE EXAMINATION OF MUKHTARS AND REVENUE AGENTS.

*114. **Pandit Nanak Chand :** Will the Government be pleased to state if they will consider the desirability of removing the present age-limit for the examination for Mukhtars and Revenue Agents ?

The Hon'ble Mr. S. P. O'Donnell : Government will examine this question.

INCREMENTAL SCALE FOR MUNSARIMS.

*115. **Pandit Nanak Chand :** (a) Has the Government fixed an incremental scale of pay for—

(i) four Munsarims of Sessions and Subordinate Judges at Rs. 170—10—200 ;

(ii) Munsarims of all District Judges at Rs. 200—20—260 ?

(b) Are there any Munsarims under the two categories who are getting higher salaries than fixed for them and are eligible to retire, but have applied for extension of the period of their service ?

(c) If the answer to part (b) be in the affirmative, will the Government be pleased to state if they propose to grant them extension on their old pay or at the maximum of the new scale ?

(d) What savings were effected by this arrangement in 1923-24 and are likely to be effected in 1924-25 ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) Yes.

(b) Yes, two.

(c) Extensions have been granted in both cases on their old pay.

(d) No savings were effected in 1923-24. In 1924-25 a saving of Rs. 456-12-0 is being effected.

PAY OF HEAD CLERKS IN DISTRICT JUDGES' COURT.

*116. **Pandit Nanak Chand :** (a) Has the Government reduced the pay of head clerks in District Judges' offices from Rs. 170 to Rs. 150 ?

(b) If so, are there any head clerks drawing higher pay than Rs. 150 who are eligible to retire, and who have applied for extension of the tenure of their service ?

(c) If the answer to part (b) be in the affirmative, will the Government be pleased to state if extensions, if any, will be granted at the old pay or the new maximum ?

(d) What savings, if any, were made in 1923-24 and are likely to be made in 1924-25 under this head ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) Yes.

(b) Yes, two.

(c) In one case extension has been granted on the old pay. In the other case the application is still under consideration.

(d) Savings of Rs. 117-5 and Rs. 240 are being effected in the years 1923-24 and 1924-25, respectively.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I congratulate the honourable member for asking 61 questions, and this is the last of them.

Mr. Mukandi Lal : Will the Hon'ble Home Member consider the advisability of presenting a Baldeo balti to the honourable member for Bulandshahr in recognition of his meritorious services ?

The Hon'ble the President announced that answers to questions Nos. 117 to 121 and 126 were not received and they would be given later.

CONTROL OVER TEACHERS AT BANDA.

*122. **Mr. Masud-uz-Zaman :** (a) Is it a fact that the chairman, district board, has requested the Government to transfer the service of the primary education department to him ?

(b) Is it a fact that powers of transfer, appointment and punishment of teachers have been taken away by Banda district board from Deputy Inspectors of Schools and transferred to village *panchayats* ?

(c) Is it a fact that no control is left in the hands of the Deputy Inspectors of Schools over these teachers ?

The Hon'ble Rai Rajeshwar Bali : (a) No.

(b) and (c) Inquiries are being made.

MAKTABS AND ISLAMIA SCHOOLS.

*123. **Mr. Masud-uz-Zaman :** (a) Is it a fact that great obstacles are put by the chairman and the secretary in giving effect to the recommendations of the Maktab Committee with regard to any fresh scheme of opening Maktabs or Islamia Schools ?

(b) How many new Maktabs or Islamia Schools were opened during the years 1920, 1921 and 1922, and how many were opened this year and how many Muslim Girls' Schools have been opened this year ?

(c) Is it a fact that nearly 14 teachers of Islamia Schools have not been paid for the last five months and the recommendations of the Deputy Inspector of Schools have been rejected by the chairman?

(d) Is it a fact that the grant for Muslim primary education is given quite separately to the district board?

The Hon'ble Rai Rajeshwar Bali : (a) No.

(b) In 1920 two Islamia Schools and three Maktabas, in 1921 two Maktabas, in 1922, one Maktab, in 1924 one Maktab; no Muslim Girls' School has been opened this year.

(c) No.

(d) Government lays down a minimum amount of expenditure on Islamia Schools and Maktabas.

SCHOOL AT MANIKPUR, BANDA.

*124. **Mr. Masud-uz-Zaman :** (a) Is it a fact that the district board, Banda, has recently decided to build a school at Manikpur?

(b) Is it a fact that Rs. 6,000 has been allotted for this building?

(c) Is it a fact that for other school buildings in those parts a sum of two or three thousand rupees has usually been spent hitherto?

The Hon'ble Rai Rajeshwar Bali : (a) and (b) Yes.

(c) Inquiries are being made.

RASHTRI KANYA PATHSHALA, BANDA.

*125. **Mr. Masud-uz-Zaman :** (a) Is it a fact that the district board, Banda, is contributing Rs. 250 per mensem to a Rashtri Kanya Pathshala from the very date of its foundation, i.e., 12th December, 1923, which is situated within the municipal limits?

(b) Is it a fact that the Inspectress of Girls' Schools never recommended such grants and the Commissioner never sanctioned them?

The Hon'ble Rai Rajeshwar Bali : Inquiries are being made.

GOVERNMENT SCHOOL, BANDA.

* 127. **Mr. Masud-uz-Zaman :** (a) Is it a fact that the old Government school building, Banda, is no longer required for the town school purposes?

(b) Is it a fact that the Director of Public Instruction and the District Officers recommended it to be given to the amalgamated school of Kanya Pathshala and Model Girls' School?

(c) Is it a fact that Government sanctioned Rs. 20,000 for the construction of a new girls' school, but the building could not be erected on account of want of a suitable central site in the city?

(d) Will the Government be pleased to explain why the building was not handed over to the Kanya Pathshala?

The Hon'ble Rai Rajeshwar Bali : Government is in correspondence with the local authorities and is not in a position to make a statement at present.

USE OF DEVANAGRI CHARACTER BY DISTRICT BOARDS.

*128. **Rai Jagdish Prasad Sahib :** Will the Government be pleased to state in continuation of the answer given by Mr. G. B. F. Muir to

unstarred question No. 16, dated the 5th September, 1924, whether in the United Provinces court and office language is Hindustani in Persian characters (and not in Devanagri)?

The Hon'ble Mr. S. P. O'Donnell : Except in regard to Kumaun, the answer is in the affirmative, subject to the orders contained in paragraph 385 of the Manual of Government Orders.

Rai Bahadur Lala Sita Ram : Does it mean that Government has modified the orders passed in the days of Sir Antony MacDonnell?

The Hon'ble Mr. S. P. O'Donnell : No. I have already said "subject to those orders."

REDUCTION IN THE NUMBER OF INSPECTORS OF SCHOOLS.

*130. **Rai Jagdish Prasad Sahib :** At what stage is the question of reduction in the number of posts of Inspectors of Schools in the United Provinces?

The Hon'ble Rai Rajeshwar Bali : The question is in abeyance pending consideration of the report of the officer who has been placed on special duty to make recommendations regarding the expansion of vernacular education.

MUHARRAM DISTURBANCE AT SHAHJAHANPUR.

*131. **Babu Bhagwati Sahai Bedar :** Were any Hindus arrested in Shahjahanpur on the 9th of Muharram in Sarai Kayan at the time of the procession of a *takht*? If so—

- (a) for what reasons and under what law were the arrests made;
- (b) how long were these persons in custody of the police, and did any person, if so, who offer themselves as sureties for these men after their arrest, and with what result;
- (c) how long after their arrest were these persons released on bail and by whom was the order for bail made;
- (d) will the Government lay the papers connected with the arrests and subsequent proceedings in this case on the Council table?

The Hon'ble Mr. S. P. O'Donnell : The incident to which this question refers took place on the 7th of Muharram. Seventeen Hindus were arrested.

- (a) They were suspected of throwing brick-bats at a passing Muhammadan procession. They were arrested under section 128 of the Criminal Procedure Code.
- (b) 2½ days. Three Hindus offered to stand bail for them; as communal feeling was very bitter, it was considered inadvisable to release them until the Ashra ceremonies were finished.
- (c) 2½ days. The Sub-divisional Officer.
- (d) The papers form part of a judicial proceeding which is *sub judice*.

Babu Bhagwati Sahai Bedar : Was this *takht* procession mentioned somewhere in the Muharram programme, or was it an innovation?

The Hon'ble Mr. S. P. O'Donnell : I do not know.

Babu Bhagwati Sahai Bedar : Will the Government be pleased to institute an inquiry ?

The Hon'ble Mr. S. P. O'Donnell : I will inquire and inform the honourable member.

SUBSCRIPTION FOR HIS EXCELLENCY'S VISIT TO SHAHJAHANPUR.

*132. **Babu Bhagwati Sahai Bedar :** Was any subscription raised by the Sub-divisional Officer and the tahsildar of Shahjahanpur on the occasion of, and in connection with, the celebrations of His Excellency the Governor's visit to the place and letters issued to gentlemen for the purpose ? If so—

(a) will a copy of the letter be laid on the Council table ;

(b) what was the amount raised ?

The Hon'ble Mr. S. P. O'Donnell : No.

Babu Bhagwati Sahai Bedar : I have a letter with me. Will the Government be pleased to institute an inquiry whether it is a forgery or a real letter ?

The Hon'ble Mr. S. P. O'Donnell : No.

DADHKANDHO PROCESSION AT SHAHJAHANPUR.

*133. **Babu Bhagwati Sahai Bedar :** Will the Government inform the Council why the *Dadhkandho* procession of Sarai Kayan and Bhola-gaon and performance of *puja* at Balkhandinath were prohibited in Shahjahanpur this year ?

(a) Were these processions taken out last year ?

(b) Did any Muhammadan festival coincide with *Dadhkandho* ?

The Hon'ble Mr. S. P. O'Donnell : The Sarai Kayan and Bhola-ganj *Dadhkandho* processions were objected to by the Muhammadans as innovations. They were taken out last year without permission and caused a riot. In view of intense communal feeling regarding them they were therefore prohibited this year. No order was passed prohibiting *puja* at Balkhandinath.

(a) Yes, in the circumstances stated above.

(b) No. An application for taking out a *Chadar* procession was made by the Muhammadans and was refused.

Babu Bhagwati Sahai Bedar : Was any action taken against the persons who conducted this procession without permission ?

The Hon'ble Mr. S. P. O'Donnell : I do not remember.

DISTRICT MAGISTRATE'S REPORT ON DISTURBANCES AT SHAHJAHANPUR.

*134. **Babu Bhagwati Sahai Bedar :** Will the Government lay on the Council table copies of the reports of Mr. Wallace, the District Magistrate, and of the Divisional Commissioner on the last year's disturbances at Shahjahanpur ?

The Hon'ble Mr. S. P. O'Donnell : Government were kept informed of events as they occurred. There were no formal reports.

TAZIA AND MEHDI PROCESSIONS AT TILHAR, SHAHJAHANPUR.

*135. **Babu Bhagwati Sahai Bedar** : (1) Were *tazia* and *mehdi* processions abandoned by the Tilhar (Shahjahanpur) Muhammadans this year ?

(2) If so, why ?

The Hon'ble Mr. S. P. O'Donnell : (1) Yes.

(2) Because the Muhammadans wanted the total prohibition of the blowing of conchs and ringing of bells at temples throughout the whole period of Muharram. This demand was not granted.

*136. **Babu Bhagwati Sahai Bedar** : (1) Did the Muhammadans of Dataganj and Kunwarganj mohallas (Tilhar) make any complaint of any sort in connection with their celebrations on the 6th and 7th of August this year ?

(2) If so, what was the complaint and what was the time and nature of the above celebrations ?

The Hon'ble Mr. S. P. O'Donnell : (1) Yes.

(2) They complained that conch shells were being blown by the Hindus at their temples during the Muharram. There were no Muhammadan celebrations on the 6th of August. On the 7th of August the *alam* procession of Anwar Ali was fixed from 12 noon to 10 p.m.

HONORARY AND SPECIAL MAGISTRATES IN SITAPUR.

*137. **Qazi Habib Ashraf** : Is the Government aware of the complaints made against some of the honorary and special magistrates in Sitapur district ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government have received no complaints.

*138. **Qazi Habib Ashraf** : Has it come to the notice of the Government that applications have invariably been made for the transfer of the cases from the said magistrates' courts ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

*139. **Qazi Habib Ashraf** : Is it a fact that in some of the said courts the hearings of the cases are unnecessarily adjourned and the rule of six weeks is only respected in its breach ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government have received no complaints. It is presumed that the rule referred to is that contained in paragraph 244 of the Oudh Criminal Digest. If so, it is not the case that this rule is not being complied with.

*140. **Qazi Habib Ashraf** : Will the Government be pleased to make a thorough inquiry in this matter and redress the grievances of the public at an early date ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : If any specific complaints are made Government will inquire into them.

HORSE ALLOWANCE TO SUPERVISOR KANUNGOS.

*145. **Babu Bindeshwari Prasad** : (a) With reference to the reply of the Government to unstarred question No. 54 put by Babu Nemi Saran

on the 5th September, 1924, that the supervisor kanungoes are not obliged to keep a horse, will the Government be pleased to state if the above reply was meant to supersede rule No. 2 of the Board's Circular 4-VII (correction slip No. 57) which lays down that no supervisor kanungo will be confirmed unless he has obtained a certificate of proficiency in riding from the Collector?

(b) Does the Government propose to formally cancel the said rule?

(c) If not, why not?

The Hon'ble Mr. S. P. O'Donnell? (a) No.

(b) No.

(c) Because it is desirable that a supervisor kanungo should know how to ride.

MUSALMAN WAQF ACT.

***146. Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state if they have passed any resolution on the report of the committee appointed to inquire into the enforcement of the Musalman Waqf Act? If not, when will they do it?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The honourable member is referred to Judicial (Civil) department resolution No. 998/VII—97, dated the 8th July, 1924, publishing the report for information and expression of opinion.

FUEL IN NAINI TAL.

***147. Pandit Govind Ballabh Pant:** (a) Does the Forest department monopolize the supply of, and trade in, fuel wood in Naini Tal?

(b) At what rate is fuel wood sold in Naini Tal fuel dépôts?

(c) What are the corresponding rates at Bareilly, Moradabad, Pilibhit and Shahjahanpur?

(d) Has any memorial asking for reduction in said rates been received by the Government or forest authorities from the residents of Naini Tal?

(e) Will the Government be pleased to direct the Forest department to reduce the price charged by them for fuel wood at Naini Tal?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (a) No. The control of fuel selling dépôts is in the hands of the municipal board of Naini Tal.

(b) The present rate is twelve annas per maund from the municipal dépôts.

(c) The rates vary from twelve annas per maund for split to eight annas for unsplit wood.

(d) No memorial has been received by Government or the forest authorities.

(e) Government see no reason to take any action. The Forest department supplies fuel without any profit.

Pandit Govind Ballabh Pant: Is it open to the members of the public to sell fuel in Naini Tal?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I ask for further notice.

Pandit Govind Ballabh Pant : How far are the forests situated from Naini Tal proper ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I do not know.

Pandit Govind Ballabh Pant : Does not the Hon'ble the Home Member who is in charge of the Forest department consider that in view of the proximity . . .

The Hon'ble the President : That is not a question but an argument.

OIL MILLS, LIMITED, HALDWANI.

*149. **Pandit Govind Ballabh Pant :** (1) Is it a fact that the Haldwani Oil Mills, Limited, are desirous of setting up a few mill-stones for grinding purposes ?

(2) Have the Government any objection to their doing so ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (1) Government have no information.

(2) Does not arise.

Pandit Govind Ballabh Pant : Has the Government any objection to a flour mill being set up there ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Will the honourable member kindly give notice of the question.

Pandit Govind Ballabh Pant : That is covered by the question itself.

Mr. Mukandi Lal : Part (2) of the question covers that.

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Personally I do not think Government should have any objection.

At this stage the Hon'ble the President announced that the question time was over.

QUESTIONS REGARDING FLOODS.

*150. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to inform the Council what measures it took immediately it heard of the floods ?

(2) Was any special officer deputed to inquire into the extent of the damage wrought by these floods ?

*151. (1) Will the Government be pleased to state the amount and nature of help sought by the Collector of Moradabad from the Government for the relief of distress in the affected area ?

(2) When was the request made, and with what results ?

*152. (1) Will the Government be pleased to inform the Council of the losses sustained by the following tahsils in Moradabad :—

- (1) Moradabad,
- (2) Hasanpur,
- (3) Sambhal,
- (4) Thakurdwara, and
- (5) Amroha ?

(2) Will the Government be pleased to specify the number of men and cattle lost, the number of houses and villages destroyed, and the amount of stored grain and crops damaged by the floods ?

*153. (1) Will the Government be pleased to state if the intensity of the floods was due partly to the bad construction of bridges and railway lines in the flooded area ?

(2) If the answer is in the affirmative, will the Government be pleased to appoint an expert committee to inquire into this matter ?

*154. Will the Government be pleased to inform if they are prepared to remit the rent for the *kharif* harvest in the Moradabad district ?

*155. (1) Will the Government be pleased to state if any amount has been sanctioned out of the Famine Insurance Fund for the relief of distress in the Moradabad district and to enable the cultivators to purchase ploughs and grain and to build their houses ?

(2) If the answer is in the affirmative, will the Government be pleased to state the amount sanctioned ? If the answer is in the negative, will the Government be pleased to state the reason why no amount has been paid out of the fund ?

*156. Will the Government be pleased to state the amount of damage wrought by the river Dhela in Thakurdwara tahsil this year ?

*157. Will the Government be pleased to construct a bridge on the river Dhela ?

*158. Will the Government be pleased to state the procedure adopted by the tahsildars in the calculation of damage caused by the floods in the districts ?

Are the zamindars and cultivators consulted ?

*159. Will the Government be pleased to give estimate of the total amount of land that has been rendered useless for cultivation through the floods in the Moradabad, Budaun, Dehra Dun and Shahjahanpur districts ?

*160. Have the Government received any complaint from the flooded districts about the way in which damage was estimated by the district authorities ?

*161. Have the Government deputed special officer to inquire into the causes and effects of floods in the various districts ? If so, when ?

*162. Will the Government be pleased to state if they have made any arrangements regarding the importation of fodder at concession rates into the flooded area ?

*163. Will the Government be pleased to state the measures they have adopted regarding the supply of seed to the cultivators in the flooded area ?

*165. (1) Will the Government be pleased to inform the Council when, and by what means, were warnings of the floods sent to the District Magistrates ?

(2) Which districts received the warning, and at what time ?

*166. Did the patwaris actually warn the villagers before the floods ?

*167. What help have the departments of Forest and Agriculture rendered to the flooded area?

*168. Will the Government be pleased to inform the Council how far, and to what extent, expenditure on transferred departments will be effected in consequence of the recent floods?

*169. **Pandit Govind Ballabh Pant:** (a) Will the Government be pleased to give full particulars of the damage caused by excessive rains and floods in the Naini Tal district in September last?

(b) (1) Will the Government be pleased to remit the revenue in zamindari and the rents in *kham* villages in respect of the areas on which the standing crops were damaged for the current year?

(2) Will the Government be pleased to remit the revenue assessed on land which has been rendered unculturable for the remainder of the period of settlement?

(c) What amount has the Government placed at the disposal of the Deputy Commissioner of Naini Tal for the relief of the sufferers in Naini Tal district?

(d) What amount has been allotted to the district board, Naini Tal, for the repair of roads and bridges?

*170. **Pandit Sri Krishna Dutt Paliwal:** (1) Will the Government be pleased to give a connected account of the loss suffered by our province on account of the recent floods, showing in particular—

(i) the number of lives lost;

(ii) the nature, with the amount, of property damaged or destroyed; and

(iii) the number of villages affected, with the extent of damage done to each village in each district and municipal area?

(2) What are the measures that have been adopted in each district to alleviate the suffering inflicted on the people?

(3) Has the Government decided upon any definite plan of action in this matter? What is it?

*171. What amount of land revenue has been or will have to be—

(i) suspended, or

(ii) remitted?

*172. Has the Government decided to advance any part of the Famine Insurance Fund to the flood relief work? If so, how much?

*173. What measures, if any, has the Government taken to distribute *tagavi* in the flood stricken areas?

*174. **Pandit Bhagwat Narayan Bhargava:** Will the Government be pleased to lay before the House a statement showing—

(a) the number of human beings lost on account of the recent floods in these provinces;

(b) the number of villages totally and partially washed away;

(c) the number of persons who have been left without houses;

(d) the number of cattle lost?

*175. (1) How much has the Government allotted out of the Famine Insurance Fund for removing the distress of people in the flooded area?

(2) What practical arrangements has the Government made or contemplates to make for the feeding, housing and clothing of these persons and for providing them with cattle and seed?

*176. Has the Government decided to remit the entire revenue of *kharij* crops in the parts of the province affected by floods? If so, in which districts?

*177. **Mr. Mukandi Lal:** (1) Will the Government be pleased to state approximate value of the damages done in the respective districts of these provinces:—

(a) to the Government property, including the property of the local bodies, and to roads and bridges,

(b) to private property and cattle in the Gangetic and Jumna valleys and plains and the Kumaun hills by the September floods and excessive rains?

(2) How many villages and how much area has been affected in each district?

(3) How many lives were lost in each district?

(4) How many cattle were carried away or otherwise destroyed?

(5) What is the area of cultivated fields that has been affected in each district?

*178. Will the Government be pleased to forego the land revenue in those districts or areas where land has been affected and crops destroyed by the floods or landslides and landslips?

*179. Will the Government, in view of the fact that the unprecedented rains and landslides have done considerable damage to fields and crops in Garhwal, be pleased not to commence settlement operations in Garhwal?

*180. Does the Government propose to compensate those agricultural classes and families who have lost their houses, crops, fields and cattle and grain stores in the floods?

*181. **Thakur Manjit Singh Rathor:** Will the Government be pleased to issue an authoritative statement to this Council showing—

(a) the names of the districts of the United Provinces which have suffered on account of floods during September and October;

(b) exact figures, so far as they are obtainable, of the loss of human life in each district;

(c) approximate number of the heads of cattle drowned during the flood in each district; and

(d) the approximate price of the property—both Government and private (to be mentioned separately)—that may have been destroyed by the flood in each district?

*182. Will the Government be good enough to lay before the Council full information as to relief work that is being carried in each district showing—

(a) amount of money collected privately for relief;

(b) amount subscribed by the Government for the purpose?

*183. What are the names of the rivers in which floods occurred in September and October, and at what places were the devastations caused by each most serious?

*184. Is it a fact that the suspension bridge, known as Lachhman Jhula at Rishikesh in district Dehra Dun, has been completely washed away?

*185. How many suspension bridges on Jamnotri, Gangotri and Badrinath pilgrimage routes have suffered on account of flood, and at what places?

*186. Have there been any landslips during the heavy rains preceding the floods? If so, where did the slips cause any considerable damage to life and property? If so, what?

*187. **Hafiz Hidayat Husain**: Has the Government earmarked any sum of money from the Famine Insurance Fund for meeting the loss caused by the recent floods, and, if so, how much?

How does the Government propose to spend that money?

*188. Will the Government be pleased to place on the table a statement showing for each district of the flooded area in these provinces—

- (i) the amount of revenue remitted or suspended;
- (ii) the amount of rent remitted or suspended;
- (iii) the amount of *tagavi* advanced or to be advanced under Acts XII of 1884 and XIX of 1883, whether with or without interest;
- (iv) the amount of money advanced from the Famine Insurance Fund; and
- (v) the amount of money advanced to tenants for building houses washed away by the floods?

*189. How much land has been cut or silted in the flood affected area of the province?

How is the money to the ryots being distributed?

*190. **Maulvi Zahur-ud-din**: (a) Will the Government be pleased to put on the table a statement about the recent floods containing the following points of information about each district separately affected by the floods:—

- (i) number of villages, towns, mohallas washed away or damaged completely;
- (ii) number of villages, towns, mohallas damaged partially;
- (iii) number of houses, in all, demolished or washed away;
- (iv) number of human lives lost including those missing;
- (v) number of cattle lost including those missing;
- (vi) area affected by floods of lands—
 - (a) cultivated,
 - (b) uncultivated;
- (vii) approximate damage to the crops (value)
- (viii) amount of money advanced as *tagavi*;

(ix) amount of money advanced as gratuitous grant; and

(x) amount of money advanced by or collected for that purpose by relief committees?

(b) If the above information is not ready by the 15th December, will the Government give the information for Moradabad district, Bareilly district and tahsil Jalalabad, Shahjahanpur?

*191. **Pandit Yajna Narayan Upadhya:** Will the Government be pleased to lay on the table a districtwise statement of the number of villages which were swept away in the last flood in these provinces?

*192. Will the Government be pleased to lay on the table a statement showing the number of persons and cattle swept away in the last flood?

*193. Will the Government be pleased to lay on the table a district-wise statement showing in acres the land the crop of which has been carried away by the flood?

*194. Will the Government be pleased to lay on the table a detailed statement of the relief work started or proposed to be started in the area affected by flood?

*196. Will the Government be pleased to state (1) what amount by way of grant, (2) by remission of rent or revenue, and (3) by way of *tagavi* the Government proposes to give in the area affected?

*197. Will the Government be pleased to lay on the table a complete statement as to what precautionary measures were taken in the lower parts of the province after the appearance of flood at Hardwar and Delhi and how far the measures were successful?

*198. **Qazi Habib Ashraf:** Has it been brought to the notice of the Government that great loss has been caused to the crops and houses owing to the heavy rains and floods in the village Dalailpur in pargana Laharpur, tahsil and district Sitapur?

*199. Will the Government be pleased to inquire what steps have been taken by the Manager, Court of Wards in Sitapur, on the application of the tenants made to him—the village Dalailpur being under the management of the Court of Wards?

*200. Will the Government be pleased to help the tenants either by distributing *tagavi* or remitting the revenue?

*201. **Thakur Sadho Singh:** (a) How many villages have been affected by the floods in Dataganj and Aligarh tahsils of Budaun and Fatehgarh districts by the Ramganga and the Ganges and the Sot, respectively?

(b) When was relief rendered in each of these tahsils, and how much of it is being allotted to them, and from what date?

(c) How much *tagavi* has been distributed in these two tahsils, from what date and in what manner?

(d) In how many villages has suspension of rent and revenue been recommended in both these tahsils in each of the affected localities, respectively?

(e) How many meetings have been organized in both the districts for relief purposes, and on what dates, with what result?

*202. Will the Government be pleased to consider the necessity of ordering temporary suspension of the working of dry meat slaughter-houses in view of severe losses of cattle, serious scarcity of fodder and general poverty prevailing in so many districts afflicted by the floods?

*203. Will the Government kindly give the number of houses fallen from the last floods and the amount of grain and other losses of property incurred in Jalalabad and Tilhar tahsils of Shahjahanpur district?

Replies to all Council questions (Nos. 150—203) asked on the 16th December, 1924, about floods.

The Hon'ble Mr. S. P. O'Donnell: I propose, with the Hon'ble President's permission, to take all the questions regarding the floods together. In order to give honourable members as much information as possible, I place on the table a statistical table showing at a glance for every district and division full details of the losses sustained and of the relief given. Whilst this statement may not quite cover all the details of the questions now before me, it has the advantage of exhibiting the position as a whole in a form which can be readily appreciated. If, however, any minor details have been omitted which honourable members still desire, I will, if possible, have the necessary inquiries made, if the members concerned will be good enough to let me know their requirements. I may add that there will be a debate on this subject during the course of the day, and that I propose during the course of that debate to deal more fully than was possible in reply to a question with certain matters touched on in the questions, and also to make a supplementary statement on certain other points.

Revenue suspended.	Revenue proposed for remission.	Direct relief (not to be recovered) given.	Ordinary taqavi given free or interest.
1	16	17	18
Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
ement in- plete will ow.	30	10,000	40,000
(b) 44,502	(b) 29,328	40,000	2,50,000
5,000	22,000	35,000	(c) 1,64,000
..	15,578	9,000	(d) 79,875
13,214	12,038	10,000	(e) 52,840
62,716	78,974	1,04,000	5,86,715
Nil.	4,060 0 0	Nil.	18,703 0 0
181 0 0	4 850 0 0	25 000 0 0	Nil

District.	Area in square miles seriously affected.	Population of (1).	Total area in square miles affected.	Population of (3).	Number of whole villages seriously affected.	Number of villages affected.	Number of houses destroyed.	Number of cattle lost.
	1	2	3	4	5	6	7	8
<i>Province of Agra.</i>								
Dehra Dun	3	1,420	3	1,920	4	51	124	193
Siharanpur	143	52,456	295	143,851	208	412	15,261	12,707
Muzaffarnagar	176	18,638	235	41,196	149	210	6,067	17,910
Meerut	203	16,487	272	45,993	185	272	2,343	9,694
Bulandshahr	112	20,547	159	34,454	99	131	3,429	3,632
Total, Meerut division ..	637	109,548	964	267,414	645	1,078	27,333	44,186
Aligarh	36	4,171	56	10,100	10	38	591	711
Muttra	41.50	84,758	79	115,152	77	128	3,362	287
Agra	103.76	31,326	209.05	73,614	71	212	3,490	40
Mainpuri	2.24	2,076	3.98	38,125	6	67	232	Nil
Etah	171	44,464	238	65,316	129	187	8,155	940
Total, Agra division ..	354.50	166,795	586.08	302,307	293	612	16,130	1,978
Bareilly	287	176,127	473	259,197	342	619	34,907	170
Bijnor	100.85	24,665	168.75	69,993	151	347	2,726	12,630
Budaun	350	163,766	941	418,508	387	1,032	60,690	6,231
Moradabad	256.10	76,860	462.70	210,250	197	706	41,796	28,128
Shahjahanpur	100.7	25,944	331.73	170,509	121	424	2,940	30 235 sheep goat.
Pilibhit .. ..	..	..	..	..	..	..	..	..
Total, Rohilkhand division	1,094.65	467,362	2377.13	1,128,457	1,198	3,218	144,050	47,239 235 sheep goat.
Farrukhabad	371.50	108,601	431	162,995	333	479	12,769	895
Etawah	8	40,000	9	53,000	40	51	164	..
Cawnpore	28.50	8,150	2.50	102	13	18	1,289	255
Fatehpur	26	1,700	37	12,722	9	50	801	476
Allahabad	6.924	3,668	31.837	6,693	20 villages 4 hamlets.	44	253	22
Total, Allahabad division ..	440.924	162,119	511.837	235,512	415 and 4 hamlets.	642	15,276	1,648
Naini Tal	5.727	1,914	15.063	6,899	11	117	829	31
Almorah	Not known	Not known	Not known	Not known	Not known	Not known	..0	20
Garhwal	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	Not known	1,500
Total, Kumaun division ..	5.727	1,914	15.063	6,899	11	117	829	1,551
Onah								
Lucknow .. ..	..	..	17.613	3,923	..	..	..	..

QUESTIONS AND ANSWERS.

Number of plough cattle lost.	Loss of human life	Number of persons rescued.	Area of crops completely destroyed, in acres.	Area of crops partially destroyed, in acres (8 annas and over).	Area of crops partially destroyed, in acres (less than 8 annas).	Revenue suspended.	Revenue proposed for remission.	Director (not recover)
9	10	11	12	13	14	15	16	17
20	180	8	164	(a)30	(a)30	Rs. a. p. Statement incomplete will follow. (b)44,502	Rs. a. p. 30 (b)29,328	Rs.
3,688	270	726	30,756	17,778	14,174	5,000	22,000	
2,776	131	115	12,573	3,172	2,707	..	15,578	
843	40	1,224	9,515	3,543	3,907	13,214	12,038	
309	10	697	10,686	2,936	3,614	62,716	78,974	10
7,721	631	2,770	63,694	27,009	24,432	Nil.	4,090 0 0	Nil.
57	8	221	4,044	230	4,239	5,381 0 0	4,858 0 0	35,000
14	6	2,313	12,244	1,160	133	Nil.	30,318 0 0	53,844
12	3	913	15,328	2,996	661	1,055 0 0	Proposal not submitted yet 39,656 0 0	Nil.
1	Nil	Nil	323	1,009	2,047	Nil.		14,500
345	24	667	27,163	5,523	10,848	6,466 0 0	78,842 0 0	1,03,344
429	41	4,114	59,102	11,523	17,428	61,959 6 9	Nil.	50,000
30	11	292	20,768	74,074	42,479	5,517 0 0	21,573 0 0	22,500
1,040	15	*	17,169	12,507	6,204	1,19,525 0 0	†	40,000
2,217	129	2,452	77,352	72,244	55,264	38,074 8 0	16,957 0 0	44,260
4,418	170	3,091	29,186	41,926	28,754	14,000 0 0	Nil.	1,725 0
8	7	1,350	11,583	29,651	25,021	..	..	..
..	..	..	..	..	..	2,39,105 14 9	38,965 0 0	1,58,485 0
7,713	332	7,185	156,353	230,402	157,752	18,435 8 0	5,002 0 0	30,000 0
160	10	15,007	16,933	23,343	12,043	3,430 14 0	3,830 14 0	..
..	..	..	2,860	2,399	36	..	6,065 0 0	500 0
34	3	4,500	3,380	..	244	4,373 0 0	2,000 0 0	4,000 0
70	..	13	3,003	..	130	..	..	..
6	..	..	3,125	250	1,162	..	..	..
270	13	19,520	29,301	25,222	13,615	21,257 6 0	15,895 4 0	34,500 0 0
8	4	34	1,377	1,503	122	Nil.	7,669 0 0	2,300 0 0
Not known	22	Nil	55	Not known.	Not known.	Not known.	..	..
Ditto.	22	Nil	35	Ditto.	Ditto.	Ditto.	..	Not known
8	48	34	1,467	1,503	122	Nil.	7,669 0 0	2,300 0 0

The following further answers were delivered to certain specific questions regarding floods:—

* 153. **The Hon'ble Mr. S. P. O'Donnell :** (1) No.

(2) Does not arise.

* 157. **The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The question of the construction of a road bridge over the Dhela river near Kashipur is under the consideration of the Government.

* 160. **The Hon'ble Mr. S. P. O'Donnell :** No.

* 167. **The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** The only requests for assistance in connection with the floods which have come to the notice of the Chief Conservator relate to the supply of hay and the lending of tramway material and were immediately complied with. The local authorities have presumably arranged for trees for bridges and the like where applications were received.

Large quantities of fodder were supplied at reduced rates to the relief committees and local authorities at Cawnpore, Agra, and Bharatpur. Further fodder reserves have been similarly placed at the disposal of the local authorities at Cawnpore, Etawah, Hardoi, and Budaun and are being utilized by them.

An officer of the department was deputed to assist the subordinate officer in charge of the flooded area in Agra in getting the necessary seed for *rabi* sowings.

Wheat seed was placed at the disposal of the local authorities and supplied in *tagavi* in Cawnpore, Agra, Budaun, Kheri, and Sitapur.

* 168. **The Hon'ble Mr. S. P. O'Donnell :** It is presumed that the honourable member desires to know whether expenditure on transferred departments is being retrenched to pay for the damages caused by the recent floods. The position is that certain savings available in the Education, Public Health, Industries, and Police budgets are being diverted to form an additional grant for district boards to enable them to repair their roads which have been damaged by the recent floods. The total expenditure on the transferred departments is not being reduced, and indeed is being increased to the extent of 7 lakhs, partly in respect of savings under Police mentioned above, partly in respect of an additional grant of 6 lakhs in the Civil Works budget, also required for repairs to roads damaged by floods.

* 179. **The Hon'ble Mr. S. P. O'Donnell :** Garhwal is at present under record operations only. As regards the revision of the settlements in this and other districts, the honourable member is referred to the statement made by me in the Council meeting of the 17th March, 1924, (copy attached). The recent floods have no important bearing on this question, since settlement operations, should they be undertaken later, could not be completed under five years, and by that time the damage will have been repaired.

Statement referred to in the answer to Question No. 24 asked by MR. MUKANDI LAL, M.L.C., at the Council meeting held on the 18th December, 1924.

The Hon'ble Mr. S. P. O'Donnell : I understand that the object of this motion is to secure the omission of the provision for settlement operations, i.e., operations directly connected with the assessment of

land revenue. If that is so, there seems to be some misapprehension as regards the figures involved. The total provision of Rs. 6,62,850 includes, in the first place, a small sum of Rs. 29,000 which is required for the operation of rent rates in certain Oudh districts. That expenditure is obligatory under the law, and it has nothing whatever to do with the revision of settlements. It is expenditure that has been imposed upon us under section 51D of the Oudh Rent (Amendment) Act. I take it that it cannot be the intention of any honourable member that that particular provision should be omitted.

Secondly, the total provision includes a provision for the revision of records. As I had occasion to point out before, even if we had in these provinces a permanent settlement, we shall require periodical revisions of the records. We have had such revisions in the Benares division where there is a permanent settlement. Revisions of records are carried out also in Bengal and Bihar and Orissa where they have permanent settlements. Accurate records are essential in the interests both of the landlords and of the tenants. It is true that the records are to a certain extent corrected annually but experience has shown that a thorough periodical overhauling is necessary. I do not see how that can reasonably be denied.

Excluding such expenditure, the total provision included in this budget estimate on account of settlement operations proper is not Rs. 6,62, ; nor 5,28, ; nor 4,11, but Rs. 2 lakhs. Rupees 4,11, is merely the difference between budget and budget ; Rs. 5,28, is merely the difference in the total expenditure under Land Revenue, which of course includes other expenditure than that required for settlements. The total provision for settlement operations proper is Rs. 2 lakhs only. That is the expenditure with which, I understand, the motion of the honourable mover is really concerned. Further, out of that sum of Rs. 2 lakhs, about Rs. 50,000 is required for the Muttra settlement. I explained on a previous occasion to the Council what the position was as regards that settlement. The operations in Muttra have been going on for about three years, and during each of these years the Council has voted funds for them. The settlement was undertaken not for the purpose of enhancing revenue, but for the purpose of re-distributing it. It is estimated that the assessments finally proposed by the Board will be for a total revenue which will actually be less than that fixed 45 years ago. Moreover, we have given a general undertaking that any fresh settlement to be made shall be made in accordance with the principles finally determined when we have completed our examination of the various issues raised by the Settlement Committee's report. That undertaking applies also to Muttra. That being so, it seems to me that it ought to be agreed that at any rate the provision for the completion of these operations in Muttra should be allowed to stand. If so, then the total sum with which the motion is concerned is a lakh and a half.

Now, Sir, I come to the general question of the extension of the existing settlements. I have listened very attentively and with much interest to the eloquent speeches delivered today. It does not seem to me, however, that these speeches carry the matter any further than it was carried in the course of previous debates. It does not appear to me that anything was added to the arguments which were then advanced, and my own position is precisely the same. I have practically nothing to add to what I then said.

Whatever other charges may be brought against us, there is one charge which cannot, I think, fairly be made against us and that is that we are indifferent to the interests of the landlords. There is no class, there is no section of community of whose interests we have ever been more solicitous. We appreciate to the full the great part played by the landlords in the life of these provinces, and it is our earnest hope that they will continue to play as great a part in the future. But this proposal that the term of the existing settlements should be extended is one which, as I said before, undoubtedly involves great difficulties. The term of thirty years has been the accepted term ever since 1833. There have been suggestions for alterations from time to time, but always the decision has been that the period should be thirty years. That, also is the period of settlement in all the other great provinces of India, and I am not aware that in any other province it has been decided to make any change. The existing settlements are based upon definite agreements entered into between the Government and the landlords. An extension of the term therefore involves the abrogation of those agreements, and since it is admitted that there has been a great rise in rents, it will also entail a sacrifice of a substantial addition to our exiguous revenues. I have not said and I do not say that these difficulties are insuperable. We have undertaken, in connection with and as part of the examination of the general agrarian problem, to examine the issues raised by the Settlement Committee's report. In our opinion these two matters are simply aspects of one single problem and therefore they must be taken up together. We are prepared, as part of and in connection with this general examination, to consider and examine the arguments advanced for the extension of the term of existing settlements. Beyond that we do not feel we can go. To postpone the operations now in progress would in our opinion tend to prejudice the issue. The issue is one which is not only, as I said, very difficult, but also one the decision of which does not rest with us but with the Government of India and the Secretary of State. We do not feel justified in taking any step which would tend to prejudice this issue, and therefore we cannot agree to postponement. For these reasons I have to oppose the motion.

* 184. **The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Yes.

* 185. **The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :** Three suspension bridges on the Badrinath pilgrim route suffered damage, viz., the bridges at Byasghat, Lachmanjhula, and Karanprayag. The Jamnotri and Gangotri pilgrim routes are in the Tehri State and the Government therefore have no information.

* 186. **The Hon'ble Lieut. Nawab Muhammad Ahmad Sai'd Khan :** A statement is laid on the honourable member's table.

* 198. **The Hon'ble Mr. S. P. O'Donnell :** No.

* 199. **The Hon'ble Mr. S. P. O'Donnell :** There is no village Dalailpur under the management of the Court of Wards in the Sitapur district.

* 202. **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan :** Government are advised that orders suspending work in dry meat slaughter-houses cannot be issued under the existing Municipal and District Board Acts. Government are not prepared to undertake legislation to secure what must be regarded as a very questionable advantage to the community. The desired suspension would make fodder still scarcer and would not ameliorate the general poverty.

UNSTARRED QUESTIONS.**Tazia AND Mehdi PROCESSIONS AT TILHAR, SHAHJAHANPUR.**

1. **Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan**: Is it a fact that *tazias* and *mehdis* were not taken out this year at Tilhar (district Shahjahanpur) ?

Mr. G. B. Lambert: The honourable member is referred to starred Question No. 38 for the 15th December, 1924.

2. **Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan**: If the reply to the foregoing question is in the affirmative, will the Government be pleased to state the circumstances that led the Moslems to abandon their processions ?

Mr. G. B. Lambert: A dispute arose over the blowing of conchs during the *Muharram*. The Muhammadans demanded total prohibition during the first ten days of the month. As this was unreasonable, the Hindus were forbidden to blow conchs until the processions were well clear of the mosques. The Muhammadans thereupon abandoned their processions by way of protest.

EXCISE POLICY.

3. **Babu Jai Narayan Chaudhri**: Will the Government be pleased to state its excise policy ? Does the Government aim at the total abolition of liquor shops ?

Mr. E. A. H. Blunt: It is impossible for Government to state their excise policy within the compass of an answer to a question.

GRANT TO TECHNICAL SCHOOL AT BAREILLY.

4. **Babu Jai Narayan Chaudhri**: Has any application been received for a Government grant for a technical school proposed to be started at Bareilly under the management of the municipal board ?

Kunwar Jagdish Prasad: Yes.

5. **Babu Jai Narayan Chaudhri**: How much grant has the Government decided to give to the municipal board of Bareilly on starting the technical school ?

Kunwar Jagdish Prasad: The question is under consideration.

REVISION OF ELECTORAL AND OCTROI RULES OF THE MUNICIPALITIES.

6. **Babu Jai Narayan Chaudhri**: Is the Government contemplating to revise the electoral rules of the municipalities and also the octroi rules ? Has the Government published the draft of rules ? Did the Government consult the local boards about the revision of these rules ? Did the Government receive any reply from the local boards ? If so, will the Government be pleased to place a copy of those replies on the table.

Mr. G. B. F. Muir: The revision of the municipal election rules and of the octroi rules is under consideration. Draft revised octroi rules have been published for objection. Municipal boards have been consulted on both matters, and representations have been received from some of them. The correspondence is voluminous and it is thought that no useful purpose would be served by laying copies on the table.

PROPERTY QUALIFICATION OF MUNICIPAL VOTERS.

7. **Babu Jai Narayan Chaudhri**: Has the municipal board of Bareilly applied for sanction to the Local Government to reduce the qualification of voters from Rs. 3 (the annual rental) to Re. 1?

Mr. G. B. F. Muir: The proposal submitted by the Bareilly municipal board is that the minimum annual value of buildings ownership or occupation of which will confer a vote should be reduced from Rs. 36 to Rs. 12.

MUNICIPAL FRANCHISE.

8. **Babu Jai Narayan Chaudhri**: What is the attitude of the Government towards the question of widening the municipal franchise?

Mr. G. B. F. Muir: The general question of widening the municipal franchise in these provinces has not been raised. Where there is evidence of a widespread desire for change, the Government will take the matter into consideration.

AMALGAMATION OF MAHABAN AND SADABAD TAHSILS OF MUTTRA.

9. **Hafiz Hidayat Husain**: Does the Government propose to amalgamate the Mahaban and Sadabad tahsils of the Muttra district in pursuance of the recommendations of the Economy Committee?

Has the Government received any memorial from the residents of Mahaban tahsil praying for the retention of Mahaban as headquarters of the tahsil?

Mr. C. E. D. Peters: (i) Yes.

(ii) Yes.

(iii) Government have given full consideration to the memorial referred to but are unable to grant the prayer of the memorialists.

APPOINTMENT OF ASSESSORS.

10. **Dr. Shafa'at Ahmad Khan**: Will the Government be pleased to state the considerations which determine the appointment of assessors?

Mr. J. R. W. Bennett: The honourable member is referred to sections 319 and 320 of the Code of Criminal Procedure and to paragraph 892 of the Manual of Government Orders.

COPYISTS OF COLLECTORATES.

11. **Pandit Brijnandan Prasad Misra**: (a) Will the Government inform the Council what practical steps has the Government so far taken to promote the recommendation of the Council with regard to the lot of the copyists of the collectorates?

(b) Is it a fact that piece-work system has been proved a failure and has been abandoned?

Mr. C. E. D. Peters: (a) Proposals in this connection are at present in abeyance in view of the uncertainty as to the financial position.

(b) Yes.

SANITARY INSPECTORS.

* 12. (a) How many persons, if any, have in the last three years been selected for training as sanitary inspectors who are neither Matriculates nor S. L. C's or are over age under the rules?

(b) How many of them are Hindus and how many Muhammadans?

Mr. G. B. F. Muir : (a) Thirty-four.

(b) Of them, 18 are Hindus and 14 Muhammadans.

RECORD OF EVIDENCE.

* 13. **Pandit Bhagwat Narayan Bhargava :** Has the Government issued a letter to the High Court of Judicature at Allahabad inquiring if the subordinate civil courts maintain only a single record of evidence?

Mr. J. R. W. Bennett : The Government have consulted the High Court on the remarks made by the Economy Committee on this subject in their report.

Pandit Bhagwat Narayan Bhargava : Will the Government mention any intention lying behind the inquiry?

The inquiry is being made with reference to the Committee.

Narayan Bhargava : Has the Government consulted the Hon'ble High Court? If so, for what information?

The High Court propose to introduce the experiment for 12 months with effect from the 1st of January. The District Judges in the Agra

pathshala at TALBEHAT, JHANSI.

Narayan Bhargava : Has the Government consulted the Inspector of Sanskrit Schools for the *pathshala* at Talbehat, district Jhansi?

S.

PROVINCIAL MEDICAL SERVICE.

Mr. J. R. W. Bennett : Will the Government be pleased to inform the members of the Provincial

Medical Service of the number of persons employed in the year 1923-24 and 1924-25?

Mr. J. R. W. Bennett : Will the Government be pleased to inform the members of the Provincial Medical Service of the number of persons employed in the year 1923-24 and 1924-25?

The number of persons employed in the year 1923-24 and 1924-25 depends on vacancies but are limited.

Mr. J. R. W. Bennett : Will the Government be pleased to inform the members of the Provincial Medical Service of the percentage sanctioned for the year 1923-24 and 1924-25?

The percentage sanctioned for the year 1923-24 and 1924-25 of vacancies promotions have not yet

* 20. **Thakur Har Prasad Singh** : Will the Government be pleased to state if any list is maintained of the officers of the Provincial Subordinate Medical Service with the names of the stations to which they are posted and since when, and the grades they are in ?

Mr. G. B. F. Muir : Yes.

* 20A. **Thakur Har Prasad Singh** : If the answer be in the affirmative, will the Government be pleased to state if the same is circulated to the members of the service regularly ? If not, why not ?

Mr. G. B. F. Muir : Hitherto the list has not been circulated, but this will now be done.

PRINCIPLE FOR ALLOTING FUNDS FOR HIGHER EDUCATION.

* 21. **Rai Amba Prasad Sahib** : Will the Government be pleased to state upon what principle funds for higher education are allotted from provincial revenues and whether any proportion is observed as between Lucknow, Allahabad, and other centres ?

Kunwar Jagdish Prasad : As regards the first part of the question the honourable member is referred to chapter IX of the Educational Code ; the answer to the second part of the question is in the negative.

PROVINCIAL SUBORDINATE MEDICAL SERVICE.

* 22. **Thakur Har Prasad Singh** : Will the Government be pleased to consider the desirability of publishing the transfers, leave of absence, etc., in the *United Provinces Government Gazette* of the officers of the Provincial Subordinate Medical Service ?

Mr. G. B. F. Muir : Government do not consider it necessary to take the step suggested.

* 23. **Thakur Har Prasad Singh** : Will the Government be pleased to state if it is a fact that the officers of the Provincial Subordinate Medical Service when in charge of the district hospitals are not permitted to hold executive charge of the district jails during the short period of absence of the Civil Surgeon from the station either on tour of inspection or on leave, whereas the officers of the Provincial Medical Service are ?

Mr. J. R. W. Bennett : Yes.

* 24. **Thakur Har Prasad Singh** : Is it a fact that the officers of the Provincial Subordinate Medical Service are deprived of such a privilege simply because they are not gazetted officers ?

If the answer to this question be in the affirmative, will the Government be pleased to consider the desirability of making necessary amendments to such orders ?

Mr. J. R. W. Bennett : No.

* 25. **Thakur Har Prasad Singh** : Will the Government be pleased to state if the L.P.H. (Licence in Public Health) granted by Government to the successful members of the Provincial Subordinate Medical Service has any official significance ?

If so, will the Government be pleased to state why this degree is not written in official correspondence against the names of the holders of such a degree as L.M.P. is done ?

Mr. G. B. F. Muir : The answer to the first part of the question is in the affirmative and the suggestion made in the second part has been accepted.

GOVERNMENT HIGH SCHOOL, BAREILLY.

* 26. **Babu Jai Narayan Chaudhri :** Will the Government be pleased to state how much has been spent on the Government High School of Bareilly during the last two years? What has been the annual expenditure per boy?

Kunwar Jagdish Prasad : The net expenditure on the school was Rs. 31,973 in 1922-23 and Rs. 35,525 in 1923-24.

As regards the second part of the question, the annual expenditure per boy was Rs. 56-12-8 in 1922-23 and Rs. 61-12-6 in 1923-24.

ALLOWANCE TO SUPERINTENDENTS OF HOSTELS IN GOVERNMENT HIGH SCHOOLS.

* 27. **Chaudhri Sheoraj Singh :** (a) Has the attention of the Government been drawn to the necessity of the revision of the allowance granted to the superintendents of the hostels attached to the Government High Schools of these provinces?

(b) Has the Government already considered the question of the revision of the allowance of such hostel superintendents? If not, at what stage is the matter lying?

(c) Will the Government be pleased to abolish the standing scale system and fix maximum and minimum allowance for the same?

Kunwar Jagdish Prasad : (a) Government have received representations in the matter.

(b) The answer to the first part of the question is in the affirmative. The second part does not arise.

(c) Government consider that a revision of the scale is not in present financial circumstances justified.

REDUCTION IN IRRIGATION RATES FOR SUGARCANE.

* 28. **Chaudhri Sheoraj Singh :** (a) How has the Finance department carried out the promised reduction in irrigation rates as regards sugarcane?

(b) Was the whole of the reduction not meant as regards sugarcane?

(c) Is it a fact that the Government during the last budget session promised to reduce the increased sugarcane rates amounting to five and a half lakhs of rupees?

(d) If so, will the Government be pleased to state why the new orders issued from the Irrigation headquarters to canal division officers regarding the sugarcane rates have adopted a new mean figure for these rates and have not enjoined reversion to old rates?

(e) What is the total amount of reduction thus made?

(f) Will the Government be pleased to lay a statement on the table showing how the sugarcane rates have been affected by this new revision?

The Hon'ble Mr. S. P. O'Donnell : (a) The honourable member is referred to Irrigation branch notification No. N.T. 306 I.M.-17B-104W., dated the 15th May, 1924, published at page 617 of Part I of the *United Provinces Gazette*, dated the 24th May, 1924.

- (b) The reduction is in respect of sugarcane only.
 (c) Government promised a substantial reduction estimated at not less than five lakhs.
 (d) No promise of revision to old rates was given.
 (e) The actual reduction is $4\frac{1}{2}$ lakhs.
 (f) The honourable member's attention is invited to the notification referred to at (a) above and also to notification No. 1—I.M/17B—98W., dated the 5th January, 1923, printed at page 11 of Part I of the *United Provinces Gazette*, dated the 6th January, 1923.

CANAL DEPUTY MAGISTRATES.

* 29. **Chaudhri Sheoraj Singh** : (a) Is it a fact that out of the sixteen Canal Deputy Magistrates, ten belong to one religion alone ?

(b) Is it a fact that from 1920 to 1924 out of more than half a dozen ziladars appointed as Canal Deputy Magistrates all but one belonged to the same religion ?

(c) Is it further a fact that all the temporary chances were given to the members of the same religion to which the majority of the previous year's recruits belonged ?

(d) Will the Government be pleased to state the reasons which led to this abnormal state of affairs ?

The Hon'ble Mr. S. P. O'Donnell : (a) There are 15 permanent Deputy Magistrates, of whom nine are of the one religion.

(b) Yes.

(c) Yes.

(d) Appointments were made on the grounds of merit alone and the question of religion was not considered.

CAWNPORE AGRICULTURAL COLLEGE AND BULANDSHAHR AGRICULTURAL SCHOOL.

* 30. **Pandit Nanak Chand** : Will the Government be pleased to state—

(a) the number of candidates who applied for admission ;

(b) the number of candidates admitted—

(i) to the Bulandshahr Agricultural School, and

(ii) to the Cawnpore Agricultural College two years' vernacular course.

respectively, in 1921, 1922, and 1923 ?

Kunwar Jagdish Prasad : The number of candidates who applied for admission and the number of candidates who were admitted to the Bulandshahr Agricultural School are shown below :—

Year.	Candidates who applied.	Candidates who were admitted.
1921	129 *	33
1922	55	24
1923	28	19

* Includes 98 applications forwarded by the Principal, Agricultural College, Cawnpore.

For information regarding the Cawnpore Agricultural College, the honourable member is referred to appendix III, page 3A, Administration Report of the Department of Agriculture for the year ending 30th June, 1924.

31. **Pandit Nanak Chand :** Will the Government be pleased to state the number of successful candidates for the year 1923 from—

(a) Government Agricultural School, Bulandshahr ;

(b) Agricultural College, Cawnpore, two years' vernacular course ?

Kunwar Jagdish Prasad : (a) 22.

(b) 27.

32. **Pandit Nanak Chand :** (a) Is it a fact that the students who passed the two years' course of the Bulandshahr Agricultural School are eligible for admission to the Subordinate Agricultural Service ?

(b) If so, was this fact published in the first prospectus of the institution ?

Kunwar Jagdish Prasad : (a) and (b). The reply is in the affirmative.

33. **Pandit Nanak Chand :** Will the Government be pleased to state—

(a) the conditions of admission which students are required to comply with for admission to the Bulandshahr Agricultural School and Cawnpore Agricultural College two years' vernacular course, respectively ;

(b) whether students are required to undergo any admission test at either or both of the institutions for the courses referred to in (a) ;

(c) whether the students are required to give any details of zamindari or tenancy possessed by them or at their disposal at either or both of the institutions ;

(d) what are the minimum educational qualifications for admission to the two institutions respectively for the said courses ;

(e) whether the students for the said courses at either or both of the institutions are required to perform agricultural operations with their own hands or are provided with hired labour, and if they are so provided with hired labour, then to what extent in each institution ?

Kunwar Jagdish Prasad : (a) The honourable member is referred to page 1 of the prospectuses of the Agricultural College, Cawnpore, and the Agricultural School, Bulandshahr, respectively.

(b) The answer is in the negative.

(c) Yes, at both the institutions.

(d) Ability to read and write one of the vernaculars.

(e) During term time hired labour is not supplied at either institution.

34. **Pandit Nanak Chand :** Will the Government be pleased to state the year when the two years' vernacular course was started at the Agricultural College, Cawnpore, stating further the total number of students then preparing for the four years' course ?

Kunwar Jagdish Prasad : The two years' vernacular course at the Agricultural College, Cawnpore, was started in 1914. The four years'

diploma course was also started in the same year replacing a three years' course. In 1914 there were 28 students preparing for the three years' diploma and nine were admitted to the first year of the four years' diploma course.

36. Pandit Nanak Chand : (a) Will the Government be pleased to state the year when the qanungo class was removed from the Agricultural College, Cawnpore ?

(b) Will the Government be pleased to state the number of annual admissions to the first year class of the four years' course since the removal of the qanungo class ?

Kunwar Jagdish Prasad : (a) 1913-14.

(b) The honourable member is referred to appendix IV and appendix III on page 3A of the administration reports of the Department of Agriculture for the years ending 30th June, 1923, and 1924, respectively.

37. Pandit Nanak Chand : Will the Government be pleased to state if they have decided to confine the recruitment to the Subordinate Agricultural Service to the ex-students of Cawnpore two years' vernacular course to the exclusion of students from Bulandshahr Agricultural School ?

Kunwar Jagdish Prasad : The answer is in the negative.

38. Pandit Nanak Chand : (a) Will the Government be pleased to state whether the students of either or both of the two years' courses provided at Bulandshahr Agricultural School and Cawnpore Agricultural College are eligible for appointments as amins in the Irrigation branch of the Public Works department ?

(b) How many amins in the Irrigation branch have been recruited from the students of the two institutions since the examination results for 1923 were declared, and how many, if any, belong to the Agricultural School, Bulandshahr ?

Kunwar Jagdish Prasad : (a) Candidates are required to have passed either the School Leaving Certificate Examination or the examination of the Agricultural College, Cawnpore. Government are considering the advisability of including among the educational qualifications possession of a certificate of the Agricultural School, Bulandshahr.

(b) Information is not available.

RECRUITMENT OF AMINS FOR THE IRRIGATION BRANCH.

39. Pandit Nanak Chand : Will the Government be pleased to lay on the table a copy of the new circular regulating the recruitment of amins to the Irrigation branch of the Public Works department ?

The Hon'ble Mr. S. P. O'Donnell : A copy of the rules is laid on the table.

Rules regarding appointment and conditions of service of Canal amins.

1. The appointment of amins will rest entirely with the Divisional Canal Officer.

2. Amins are recruited from three sources—

(a) by the promotion of selected patrols;

- (b) by the direct appointment of outside candidates ; and very occasionally ;
- (c) by the transfer of junior clerks and by the promotion or transfer of muharrirs and munshis.

In the case of men from sources (a) and (c) no special age or educational qualifications are necessary beyond those required for their original appointments, but men from source (b) must have passed the practical examination required of outside candidates or have had at some period at least two years' service as patrols.

The qualifications required of outside men before they are enrolled in the Divisional Register of approved candidates are—

- (i) age between 18 and 25 years, as recorded in educational certificates ;
- (ii) good physique, active habits, and good character ;
- (iii) ability to read and write Urdu with facility, and some knowledge of Hindi ;
- (iv) possession of a certificate of having passed either the School Leaving or the Agricultural College (Cawnpore) Examination ;
- (v) practical knowledge of the duties of an amin, and of Irrigation Revenue Procedure, as detailed in paragraph (4) below.

3.—Outside men, in view of the superior educational qualifications demanded of them, will be appointed direct to the second grade, and about half the vacancies occurring in that grade should be filled from that source.

4.—The Executive Engineer having satisfied himself that a candidate possesses qualifications (i) to (iv) in paragraph 2 above, will post him for training as an unpaid apprentice under a good amin for at least three months. Towards the end of this period the candidate must independently record the irrigation of a village of not less than 300 irrigated acres, and prepare the corresponding *jamabandi* and *parchas*. He will then be examined by the Executive Engineer or the Deputy Magistrate at site as to his practical knowledge of—

- (i) *Irrigation recording*, as shown by check of his *shudkar khasra*, his ability to read a *shajra* and follow the fields accurately on the ground, measure fields by pacing or by chain, and calculate mentally the areas of fields so measured.
- (ii) *Mapping and drawing*, as shown by his ability to lay down correctly on a village map the line of a watercourse and of a drainage, and to trace a village map on cloth or paper.
- (iii) *Irrigation measurement*, as shown by the *jamabandi* and *parchas* prepared by him, his ability to work out amounts to be assessed both mentally and by reference to a table, and to repeat orally the schedule of water-rates in force in the division.
- (iv) *Miscellaneous work and duties of an amin*, as shown by his knowledge of what to do in case of a breach or overflow in a canal or distributary, the times for the successive waterings and the approximate dates of harvesting of each kind of crop, and his ability to take discharges of small channels with fair accuracy.

- (v) *The Canal Act*, as shown by his knowledge of such portions and the rules thereunder as appertain to an amin's work, and of the system of assessing water wasted, or used in an unauthorized manner.

5.—Approved candidates should be given officiating appointments in leave vacancies until permanent vacancies occur, when they should be appointed on probation, and not confirmed for at least a year.

AGRICULTURAL COLLEGE, CAWNPORE.

40. **Pandit Nanak Chand** : Will the Government be pleased to state the extent of available hostel accommodation at the Agricultural College, Cawnpore, and the number of students actually residing in the college hostels?

Kunwar Jagdish Prasad : The hostels of the Agricultural College, Cawnpore, were originally built to accommodate 103 students. By re-arrangement it is now possible to accommodate 144 students. One hundred and sixteen students are in residence.

41. **Pandit Nanak Chand** : Will the Government be pleased to lay on the table a copy of the papers giving the constitution and functions of the Governing Body of the Agricultural College, Cawnpore?

Kunwar Jagdish Prasad : A copy of papers relating to the constitution and functions of the Governing Body of the Cawnpore Agricultural College is laid on the table of the honourable member.

No. 81/I—487.

RESOLUTION.

AGRICULTURE DEPARTMENT.

Dated Allahabad, the 1st April, 1921.

READ—

G. O. No. 2567/I—487, dated the 17th October, 1914, from the Chief Secretary to Government to the Director of Land Records and Agriculture.

OBSERVATIONS.—In 1914 the management of the Agricultural College was vested, under the Local Government, in a Governing Body consisting of—

- (1) Director of Land Records and Agriculture, Chairman.
- (2) The Director of Public Instruction.
- (3) to (5) Three gentlemen nominated by Government, of whom one must be a landowner in Oudh and another a landowner in Agra.
- (6) The Principal of the College.
- (7) and (8) The Heads of the Chemical and Biological sides of the College.
- (9) and (10) Two Senior Deputy Directors.
- (11) and (12) Two nominees of the Upper India Chamber of Commerce.

The duty of the Governing Body was to deal with admissions to the College, fees, grants of scholarships, the curriculum of the College, holidays, and such other matters of internal administration as might be put before it.

The Governor, acting with his Ministers, has decided that certain alterations are needed in the compositions of the Governing Body, and has decided that it shall be composed as follows :—

- (1) The Director of Agriculture, President.
- (2) The Director of Public Instruction.
- (3) The Principal of the College.
- (4) and (5) Two nominees of the Legislative Council.
- (6) One nominee of the Government.
- (7) One nominee of the Upper India Chamber of Commerce.
- (8) One nominee of the United Provinces Chamber of Commerce.
- (9) One nominee of the British Indian Association.
- (10) One nominee of the Agra Zamindars' Association.
- (11) One nominee of the United Provinces Zamindars' Association, Muzaffarnagar.

The Principal of the College will be the Secretary of the Governing Body. The duties of the Governing Body will, for the present, continue to be the same as laid down in 1914, until the question of affiliating the College to the University has been decided by the Government. The term of appointment of members will be for two years.

ORDER.—Ordered that a copy of this resolution be forwarded to the Director of Agriculture, the Director of Public Instruction, the Principal of the Agricultural College, Cawnpore, the Secretary, Upper India Chamber of Commerce, the Hon'ble Lala Sukhbir Singh of Muzaffarnagar, Lieutenant Shaikh Shahid Husain, Barrister-at-Law, O.B.E., M.L.C., of Lucknow, Rai Bahadur Babu Anand Sarup, M.L.C., Mr. A. E. Parr, Mr. B. C. Burt, M.B.E., the Secretary, United Provinces Chamber of Commerce, the President, British Indian Association, Oudh, the Secretary, United Provinces Zamindars' Association, Muzaffarnagar, the Secretary, Agra Zamindars' Association.

Ordered also that a copy of the resolution be published in the *United Provinces Government Gazette* for general information.

By order,

H. S. CROSTHWAITE,

Secretary to Government, United Provinces.

GOVERNMENT, UNITED PROVINCES.

MISCELLANEOUS.

AGRICULTURE DEPARTMENT.

The 25th April, 1923.

No. 333/XIVA—487.—It is hereby notified for general information that the Governor of the United Provinces, acting with his Ministers, has been pleased to appoint the following, with effect from the 1st April, 1923, for a period of two years or until the College is handed over to the

Allahabad University, whichever may be the shorter period, as members of the Governing Body of the Cawnpore Agricultural College :—

- (1) The Director of Agriculture, President.
- (2) The Director of Public Instruction.
- (3) The Principal of the College.
- (4) Rai Bahadur Babu Vikramajit Singh, M.L.C., of Cawnpore.
- (5) Rai Bahadur Thakur Mashal Singh, M.L.C., of Hardoi.
- (6) Mr. W. R. Watt, M.A., B.Sc., D.I.G., F.C.S., of the Cawnpore Woollen Mills Company, Cawnpore.
- (7) Lala Jai Ram Das of Loyalpur Sugar Company, Ltd., Cawnpore.
- (8) Thakur Jagannath Bakhsh Singh, M.L.C., Taluqdar of Hasnapur, district Rae Bareilly.
- (9) Babu Shyam Lal of Cawnpore.
- (10) The Hon'ble Lala Sukhbir Singh of Muzaffarnagar.
- (11) S. Masud uz-Zaman, M.L.C., Barrister-at-Law, Banda.

By order,

A. B. REID,

Deputy Secy. to Govt. United Provinces.

SELECTED OPERATIONS.

42. **Pandit Nanak Chand :** (a) Will the Government be pleased to state if the Medical department receives any information as to the number and nature of selected operations performed by individual Medical officers ?

(b) If so, does the Government publish any annual statements showing the said information ? If so, where and in what form ?

(c) If no such statement is published, will the Government be pleased to consider the advisability of publishing a summary of the said information in the Administration Report or some other publication ?

Mr. G. B. F. Muir : (a) Yes, when the number exceeds fifty.

(b) No. But mention of officers who perform a large number of selected operations is made in the Triennial Report of Civil Hospitals and Dispensaries.

(c) The suggestion has been accepted by Government

INDIAN EDUCATIONAL AND PROVINCIAL EDUCATIONAL SERVICE.

43. **Pandit Nanak Chand :** What is the maximum number of Indian Educational Service officers who can be appointed in the selection grade and what is the actual number of such officers in that grade ?

Kunwar Jagdish Prasad : The answer to both parts of the question is nine.

44. **Pandit Nanak Chand :** (a) What is the maximum number of the United Provinces Educational Service officers who can be appointed to the selection grade, and what is the actual number of such officers in that grade ?

(b) Are there any vacancies in the United Provinces Educational Service? If so, when does the Government propose to make the appointments to reach the maximum number?

Kunwar Jagdish Prasad : (a) The answer to both parts of the question is eight.

(b) The answer to the first part of the question is in the negative. The second part of the question does not arise

DIVISIONAL INSPECTORS.

45. **Pandit Nanak Chand :** How many Assistant Inspectors of Schools are officiating as Divisional Inspectors?

Kunwar Jagdish Prasad : One.

MUHAMMADAN POPULATION IN GARHWAL.

46. **Pandit Nanak Chand :** (a) What is the total population of Muhammadans in the district of Garhwal?

(b) How many shops of Muhammadans are there at Dugadda?

(c) Do Muhammadans possess any landed or house property at Dugadda? If so, to what extent?

(d) Is it a fact that Government has recently given land for the building of a mosque at Dugadda?

(e) Is it a fact that in 1907 or 1908 Hindus applied for land to build a temple at Dugadda, and their request was rejected?

(f) Is it a fact that the local Hindu population have raised objections to the building of a new mosque at Dugadda?

(g) Will the Government be pleased to reconsider the question in the interest of local peaceful inter-communal relations?

Mr. G. B. Lambert : (a) 3,829.

(b) 23.

(c) Two houses at Dugadda are owned by Muhammadans.

(d) Yes.

(e) There is no record of any such application.

(f) Yes. An appeal has been filed in the court of the Commissioner against the Deputy Commissioner's order sanctioning the grant.

(g) The Deputy Commissioner has offered land to the Hindus for the construction of a temple, and there seems no reason why communal relations should be anything but peaceful.

PERCENTAGE OF BOYS OF SCHOOL-GOING AGE.

47. **Rai Bahadur Thakur Mashal Singh :** What was the percentage of Muhammadan boys of school-going age at school at the time of the introduction of special grants for Islamia schools and *maktabs*?

48. What is the present percentage of Muhammadan boys at school?

49. What percentage of Hindu boys of school-going age is at school at present or was in the year 1923-24?

Kunwar Jagdish Prasad : The only figures available are given in table IV-A of the report on Public Instruction for 1922-23, and table V-A of the report for 1918-19, to which the honourable member is referred.

EJECTMENT SUITS.

50. **Babu Sangam Lal** : Will the Government be pleased to state the number of ejectment suits filed in the years 1920, 1921, 1922, and 1923 in the 36 districts of the Province of Agra ?

Mr. C. E. D. Peters : A statement is laid on the honourable member's table.

51. **Babu Sangam Lal** : Will the Government be pleased to state the number of ejectment suits filed up to the 1st October in the year 1924 in the 36 districts of the Province of Agra ?

Mr. C. E. D. Peters : The honourable member is referred to the statement given in reply to Question No. 50.

Statement referred to in answer to unstarred Questions Nos. 50 and 51 for the 16th December, 1924.

Statement showing the number of ejectment suits (articles 13, 18, and 29 of Schedule IV of the Agra Tenancy Act) filed in the years 1920, 1921, 1922, 1923, and 1924 in the 34 districts of Agra Province (figures in columns 2 to 4 were taken from Revenue Administration reports) while figures in the sixth column from reports received from districts :—

District.	1920.	1921.	1922.	1923.	1924.
1	2	3	4	5	6
PROVINCE OF AGRA.					
Dehra Dun	135	421	261	188	267
Saharanpur	3,805	4,125	2,452	2,470	4,091
Muzaffarnagar	5,418	4,328	3,509	3,705	6,818
Meerut	6,183	5,237	5,694	6,158	17,264
Bulandshahr	5,094	4,008	2,981	4,869	13,973
Total, Meerut division ..	20,635	18,119	14,897	17,390	41,913
Aligarh	3,529	2,942	2,208	2,575	10,964
Muttra	3,426	2,930	2,448	3,062	4,863
Agra	2,868	2,344	2,121	3,009	3,127
Mainpuri	2,512	1,948	1,377	1,847	2,939
Etah	3,904	2,702	1,135	1,776	3,574
Total, Agra division ..	15,639	12,866	9,289	12,269	25,467
Bareilly	6,872	5,589	3,757	7,247	4,678
Bijnor	5,162	3,999	2,017	3,577	7,755
Budaun	7,908	7,047	4,056	5,481	9,426
Moradabad	10,865	8,819	5,830	6,444	9,030
Shahjahanpur	4,725	4,992	2,889	4,315	2,819
Pilibhit	1,999	1,901	1,081	1,566	1,381
Total, Rohilkhand division ..	37,631	32,347	19,630	25,630	35,089

District,	1920.	1921.	1922.	1923.	1924.
1	2	3	4	5	6
Farrukhabad	4,868	4,321	3,504	3,643	8,762
Etawah	3,821	3,346	2,756	2,643	6,259
Cawnpore	6,372	5,851	5,294	5,136	5,277
Fatehpur	3,700	4,277	4,225	2,598	3,195
Allahabad	9,055	12,559	6,567	9,360	11,449
Total, Allahabad division ..	27,816	30,354	22,345	23,380	34,943
Banda	2,001	1,831	1,312	1,544	1,351
Hamirpur	1,668	1,658	1,857	1,540	1,278
Jhansi	603	759	796	553	565
Jalaun	2,559	2,495	2,393	1,554	2,406
Total, Jhansi division ..	6,831	6,743	6,358	5,191	5,610
Benares	3,971	3,474	2,639	3,632	11,943
Mirzapur	2,249	2,574	1,224	2,130	2,834
Jaunpur	4,837	4,394	3,169	3,651	7,911
Ghazipur	3,384	3,373	2,492	3,945	6,142
Ballia	2,269	2,584	1,773	2,118	2,400
Total, Benares division ..	16,740	16,399	11,297	15,476	31,228
Gorakhpur	20,300	20,156	13,899	18,612	62,871
Basti	13,008	12,116	8,108	9,560	20,004
Azamgarh	8,671	8,972	6,384	6,999	15,780
Total, Gorakhpur division ..	41,979	41,244	28,391	35,171	98,655
Naini Tal	195	98	53	84	3
Almora .. ..	..	..	..	..	..
Garhwal .. ..	..	..	..	..	..
Total, Kumaun division ..	195	98	53	84	3
Total, Province of Agra ..	167,336	158,170	*112,261	134,591	272,908
	..	..	129,654	..	..

* Includes 17,393 cases which were filed on the 2nd October, 1922.

NOTE.—The figures for 1920, 1921, 1922, 1923 are for ejectments under articles 13, 18, and 29 of schedule IV of the Agra Tenancy Act, II of 1901. The figures for 1924 are not yet available, and the figures for 1924 are only of cases under article 29. The totals for the years 1921, 1922, 1923 under that article as recently reported were 150,492, 144,812, and 115,728, respectively, the discrepancy in the year 1922 cannot now be reconciled.

OFFICIAL RECEIVER OF CAWNPORE.

52. **Hafiz Hidayat Husain** : With reference to my unstarred Council Question No. 13, dated the 5th September, 1924, and the reply of the Government thereon, will the Government, considering the large amount of money realized, order the accounts to be audited by a qualified auditor?

Mr. J. R. W. Bennett : In view of the fact that audit fees would be a heavy charge on the estates, few of which are of large value, the Government consider that any general audit would prove too expensive for the estates. The accounts are already audited quarterly by the mun-sarim and shown to the court.

AMALGAMATION OF MAHABAN AND SADABAD TAHSILS, MUTTRA.

53. **Hafiz Hidayat Husain** : Does the Government propose to amalgamate the Mahaban and Sadabad tahsils of the Muttra district in pursuance of the recommendations of the Economy Committee? Has the Government received any memorial from the residents of Mahaban tahsil praying for the retention of Mahaban as headquarters of the tahsil? Will the Government retain Mahaban as the headquarters of the amalgamated tahsils?

Mr. C. E. D. Peters : (i) Yes.

(ii) Yes.

(iii) Government have given full consideration to the memorial referred to but are unable to grant the prayer of the memorialists.

LIST OF CLERKS OF 4TH CIRCLE, IRRIGATION WORKS.

54. **Mr. Masud-uz-Zaman** : Will the Government be pleased to place on the table the lists of clerks of 4th circle, Irrigation Works :—

(a) before recent retrenchment scheme came into operation,

(b) after the retrenchment was effected,

(c) after revision of scale of pay which came into effect from the 1st March, 1924,

in order of seniority, giving the date of appointment and pay of each?

55. Is it a fact that in giving effect to the retrenchment and in giving promotions in the revision of scale of pay the Bengali clerks of 4th Circle, Irrigation Branch, have superseded most of the senior clerks of other nationality in the same circle?

The Hon'ble Mr. S. P. O'Donnell : The lists are laid on the table.

FLOODS.

56. **Lala Mathura Prasad Mehrotra** : Will the Government be pleased to give a statement for each district of the havoc done by the recent floods under the following heads :—

(a) the valuation of the loss of property,

(b) the number of men,

(c) the number of cattle,

(d) the number of villages swept away,

(e) the amount of loss of crop,

(f) the measures of relief in the form of free distribution, *taqavi* with and without interest with figures?

*57. **Rai Bahadur Thakur Mashal Singh** : Is the Government aware of the enormous damage caused by the recent floods in the Ganges and Ram Ganga, affecting a vast area situate in the tahsils of Shahabad and Bilgram in the Hardoi district ?

58. If so, will the Government be pleased to state—

- (a) the amount of damage caused to the standing *kharif* crop and to the sowing of the next *rabi* crop ;
- (b) the number of villages and hamlets that have been washed away ;
- (c) the number of men and cattle drowned ; and
- (d) the number of people that have been rendered homeless ?

59. Will the Government be pleased to state what steps it has taken to render relief to the persons effected by the floods ?

See answers to starred questions regarding floods.

60. **Rai Bahadur Thakur Mashal Singh** : Is the Government aware that owing to the embankments formed by the earth dug out of the Sarda Canal, natural flow of rain water has been stopped at many places in the Hardoi district ?

The Hon'ble Mr. S. P. O'Donnell : The natural flow of the rain water was stopped in two places only in the Hardoi district for a very short period during the monsoon. On complaints being received the canal banks were cut at once and the water drawn off.

61. **Rai Bahadur Thakur Mashal Singh** : Is the Government aware that owing to such stoppage of rain water a large area of land has remained submerged under water, and has thus been rendered unfit for cultivation, causing a great loss to the tenants and zamindars ?

The Hon'ble Mr. S. P. O'Donnell : No land was rendered unfit for cultivation.

62. **Rai Bahadur Thakur Mashal Singh** : Will the Government be pleased to state what steps, if any, have been taken in order to recompense the persons whose lands have been so affected ?

The Hon'ble Mr. S. P. O'Donnell : Does not arise in view of the answer to Question No. 61.

63. **Rai Bahadur Thakur Mashal Singh** : Will the Government be pleased to state what steps it proposes to take in order to prevent similar damage to land in future ?

The Hon'ble Mr. S. P. O'Donnell : Permanent arrangements are being made to dispose of this drainage water in future.

64. **Babu Nemi Saran** : Will the Government be pleased to lay the following statement on the table regarding the flood devastation in the Bijnor district :—

- (a) villages affected by those floods ;
- (b) estimated loss of (1) human lives, (2) cattle, and (3) standing crops in these villages ;
- (c) rent and revenue suspended in any of these villages ;
- (d) help given by the Government ?

See answers to starred questions regarding floods.

65. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to state the number of villages affected in Pipalsana by the floods?

(2) How many persons were drowned and how many cattle lost there?

(3) What damage was done to crops there?

Mr. C. E. D. Peters : As it appears from the Village Directory that Pipalsana is a single village in the Moradabad tahsil, the purport of the question is not clear. If the honourable member requires information beyond that contained in the statement made to Council and will repeat this question, clearly stating the information he requires, a reply will be given.

66. **2nd-Lieut. Chaudhri Balwant Singh :** Will the Government be pleased to state whether the *bund* on the Ganges between Mayapur and Kankhal gave way during the recent floods and whether the Government is prepared to make it *pacca*?

The Hon'ble Mr. S. P. O'Donnell : (1) Yes.

(2) It is proposed to re-build it on a new alignment.

67. **2nd-Lieut. Chaudhri Balwant Singh :** Will the Government be pleased to state whether it is prepared to take steps so to divert the course of the Ganges as would prevent further damage to the Daksh temple at Kankhal?

The Hon'ble Mr. S. P. O'Donnell : The Kankhal *bund* is being rebuilt to protect the canal and will incidentally afford some protection to the Daksh temple.

68. **2nd-Lieut. Chaudhri Balwant Singh :** Will the Government be pleased to state whether it proposes to allow remission of revenue in parts affected by floods in the Saharanpur district?

See answers to starred questions regarding floods.

RESOLUTION *re* PREVENTION OF COMMUNAL RIOTS.

Babu Mohan Lal Saksena : I move—

That this Council recommends to the Government to appoint a representative committee of this Council with a non-official majority to inquire into the causes of the recent communal riots in these provinces, to examine the conduct of the Government officials in connection with them and to suggest measures that should be adopted by the Government to prevent their recurrence in future.

Since we met last, our provinces have been victim to two great calamities which have wrought a great havoc and caused great suffering and misery to the people of these provinces and it is a coincidence that the two resolutions to combat with the evil results of these two great calamities have been tabled for discussion today; one deals with the communal riots and the other with the floods. My object in moving this resolution is not in any way to raise fresh controversies or to institute an inquiry for the purpose of ascertaining as to which of the two contending parties or communities have been responsible more for the riots, for I personally feel that both the communities are equally to-blame and the third party, I mean the Government, which is interested in keeping the two communities apart, and which derives its strength from the

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differences of the governed, is also, if not to a great extent at least to some extent responsible for them. A great deal has been written in the press and spoken from platforms regarding the causes of the recent widespread communal riots and efforts are being made outside by public-spirited gentlemen belonging to both the communities and to all political parties to bring the two communities together. If I am moving this resolution, it is with the object of supplementing their efforts so that there may be some permanent and ever lasting result may be secured from their efforts.

Gentlemen, these communal riots are ascribed to religious causes, but from my experience of them during the last three months I regard them to be more economic and political than religious. The riots generally take place on such occasions as *BakrId*, *Muharram*, *Dasehra*, etc. They are only the immediate occasions for the manifestation of communal tension and not the causes of the tension. The causes are to be found elsewhere. They lie in the slavery of the people, in their governance by aliens and in their economic poverty, and it is the victims of this economic poverty, I mean the educated persons, who make the masses fight for their own ends. As has been rightly said by Mahatma Gandhi himself, it is not the masses who fight, but it is the leaders, and if they can come to some permanent agreement, unity is bound to result.

Now what are those causes? First of all, it is the general aloofness of one community from the other. In spite of the fact that Muhammadans have lived in this country for over eight centuries, the Hindus have not yet been able to persuade themselves to consider them as belonging to their own country and as their own brethren. They still regard them as *mlechhas*.

They have no other basis for their judgment except their outer mode of living, such as meat-eating, not taking bath daily generally, and such other things. They have never taken the trouble to acquaint themselves with their culture and previous history. Similarly, the Muhammadans who have been in this country for the last eight centuries—some of them belong to this country—even now regard themselves as outsiders, as a separate people belonging to some other country and not to India. It is not due to the difference in religion but to ignorance of the members of one community regarding the religion professed by the other. In our education we have no opportunities to study the culture of the other community or the points of agreement between the two communities. During our student-life the students are never told that both communities belong to the same land, they live upon and are nourished by the produce of the same land; that they breathe the same atmosphere; that they have to live and die together and that their remains ultimately shall be mixed together in the same land in which they are born and bred. As against this in our history we are taught those things which accentuate our differences and lead us apart. Thus for instance the Muhammadans consider the Hindus to be a set of cowardly, superstitious, and idolatrous people. They never know anything of the culture of Hindus which has existed for centuries, which is ancient, more ancient than any one of which history bears evidence. Similarly, as I have said in the beginning, the Hindus may study foreign history, study the civilization and culture of Europe, they may study French and Greek and other

foreign languages, but they never take the trouble to—or rather never have the opportunity to—acquaint themselves with the Arabic civilization, with the fact that when Europe was sunk in darkness it was Islam which had a civilizing influence upon Europe. He does not know that fanaticism is not a permanent feature of Islam, but merely an aberration from the normal. On the other hand, we have been taught that Islam has always resorted to the practice of conversion at the point of the sword, which is in fact contrary to the testimony of history. So, I submit, that our education has been defective; that it is more responsible for the present tension amongst the two great communities. The object of education is to make us worthy citizens, and any education to be suited to the requirements of our country must prescribe the study of one religion by the members of the other religion as students and *vice versa*, and unless this provision is made in our course of studies I think it will be very difficult to bring about a permanent rapprochement between the two communities. It may be said that the holy books of the one religion have been translated and they are available for perusal by members of the other community, but I know that these translations have been made by the propagandists of Shuddi and Tabligh movements for their own ends and not with a view to find out the good points, the salient features of the other religion. It is with a view to pick holes and find faults with the tenets of the other religion. If they had been done in the same spirit as was done in the time of the great Akbar, in the spirit in which Mahatma Gandhi read the Koran, there would have been less communal tension than it is today. Again, Sir, the object of our education from the very beginning has been to get into some service. Education has made us more and more selfish instead of inspiring feelings of nationalism—feelings of belonging to a common motherland—it has made us more and more selfish and consequently communal. Now our universities have been turning out graduates year after year without making any provision for their employment in after life. We have so many discontented graduates going about without any employment and it is quite natural that when a post falls vacant these graduates should try to use all sorts of tactics in order to secure the job, because the avenues are more narrow and openings limited, and in this effort we find communal feelings are stirred. It is not only a question between Hindus and Muhammadans but even among the different sects of the Hindus themselves. Supposing a candidate belongs to a Brahmin caste or is a Kayasth, the candidate will try to influence the appointing officer by holding out the claims of his own community. So what I was driving at is that this tension is due to want of sufficient avenues and openings for our young men. Young men are turned out of university after they have spent so much on their education without any openings before them. And, Sir, it is just to quote an ordinary illustration—the case of two dogs fighting over one loaf of bread. None of us here has seen two dogs fight over three or four loaves lying before them, they never quarrel. That is because we have no openings, because we have a limited number of services before us that we Hindus and Muhammadans and Brahmans and non-Brahmans quarrel and bring forth our own communal claims and try to influence the appointing officers. I can tell you from personal experience. Recently when four posts were advertised there were nearly twelve hundred applications and after we had fixed a standard for selecting candidates tried to influence our decision by representing that they belonged to communities which were not represented.

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in municipal service. I am sure no communal feeling prompted these arguments, but the arguments were advanced on account of their own selfishness, their object being somehow to secure appointment. You know, after all, the question of unemployment among the educated classes is a very serious problem and our Government is sleeping over it. It is not doing anything to tackle it. It is again, Sir, a coincidence that the rejection of the Lee Report has been followed by an outburst of communal strife all over the country. I would say that it is a strange coincidence though some of my friends even go to the extent of saying that it is a reply to the rejection of the Lee Report by the Councils and the Assembly and by the whole country to a man. I will just read out a quotation from Mr. Baldwin's speech during his election campaign—the memorable Queen's Hall speech, in which he referred to the communal tension in this country. He said:—“We see India is seething with religious conflict between Hindus and Muhammadans, which has exposed the futility of that political alliance which was so triumphantly proclaimed not long ago by Mr. Gandhi. Were it not for the strong protecting arm of Britain, which was never more urgently needed than it is to-day, large parts of India might revert to the state of chaos and bitter strife from which we had rescued it.” Later on, after laying blame for these riots at the door of the Labour Party, he proceeds to say:—“We shall do all in our power to promote happier relations, to unite the diverse races and creeds in bonds of communal interest, and try to bring about better and more suitable conditions than those with which we are unfortunately faced today. The problem, I know, requires courage, sympathy, and resource, but I have so certain a conviction of the splendid loyalty of the vast mass of the people in India. I remember their whole-hearted response at the time of the war. I remember the generosity and the gallantry of their princes, the lavish subscriptions of their business men, and perhaps more than all, the devotion of the rank and file of their armies. I know the problem is soluble.” And what is the solution that he has proposed? He says:—“If we are to do our duty to the people of India we must see to it that we do our duty to those serving us there in times of great anxiety and difficulty, those splendid servants, the Indian civil servants, the police, and the engineers. All of them suffer from economic hardships, and I am determined that due regard shall be given to their needs.” This was the reply he had given. He proceeded with good intentions of bringing about a permanent settlement between the two communities, and the remedy which he has suggested is the acceptance of the Lee Report in substance. And he has redeemed his pledge to the services, though not to the people of India. Though the recommendations of the Lee Report have been substantially accepted, no steps have been taken to tackle the communal problem in India as was promised to the electors. From the speech it appears that it is the strong arm of Britain which is keeping us from going back to a state of anarchy, bloodshed, and general communal strife. I submit that it is the strong arm which is keeping us from uniting today as was rightly pointed out by Mr. Patel in the Assembly. I think one solution of the communal trouble lies in the provision of sufficient avenues and opportunities for the people.

Then there is the question of script in these provinces. This controversy is being used for communal and political purposes. It is said

that Urdu is chiefly the language of the Muhammadans. I deny that. I think Hindus can claim it as much as their language as the Muhammadans. Similar is the case with the Hindi language, as it is regarded as the language of Hindus. But, if you will look to the period of the great Akbar, you will find that there were several Musalmans who made very valuable contributions to the Hindi language. The poetry of Rahim Khankhana and Karkhare and others are well known. He did not only compose verses in Hindi but genuinely depicted characters and events of Hindu mythology which showed how carefully they had studied the Hindu mythology. Similarly, we find with regard to the Urdu language, Hindus have made very valuable contributions and I may just give only one name, viz, Azad. There have been many poets and writers among Hindus in this city who have made valuable contributions to the Urdu language. So this is also a political question, not a religious question, as is generally supposed. Hindus think that if the Urdu language is kept as a court language Muhammadans will be benefited because they are more versed in it than Hindus. Similarly, Hindus are aspiring to get Hindi accepted as the court language. I think it is again a fight for services or the loaves and fishes, as they call it, and it is not a question of Hindi being accepted as a court language or Urdu remaining as such. So far as the script is concerned it may be different, otherwise the dialect is the same. If you take away all the Persian and Arabic words from Urdu and all the Sanskrit words from Hindi you will find that both are the same. Therefore again it is due to economic causes that we are having this controversy.

I now come to the question of separate electorates. While I am in favour of substantial representation of minorities, in the present state of political development of the country; while we want that the minorities should be adequately protected and their interests safeguarded, we must also give our careful consideration to the methods and the means by which these ends can be attained. We have tried one method i.e., separate electorates. I think it is high time that this committee examined whether that has contributed to the rapprochement between the two communities or whether it has accentuated the differences. My own experience and also that of my Muhammadan friends in the Lucknow municipality has been that separate electorates have not achieved the object for which they were brought into existence. They have failed to build up a common nation and to bring about the two communities together. We find that they have brought into existence leaders whose only object is to curse and swear at other communities and in that lies their strength and the secret of leadership of their respective communities. Though these are some of the political and economical causes which to my mind are the chief causes which are responsible for the present communal strife, there are also other religious causes, for instance, sacrifice of cows, procession of *tazias* and playing of music near mosques. I think these are only minor points as compared with economic causes, and I have said in the beginning that they are only used as a pretext for attaining other ends, or so far as the sacrifice of cows is concerned I think the Unity Conference at Delhi has taken a bold step in enunciating certain principles and if Government institute an inquiry and ascertain the feelings of the people of these provinces and if they accept them in substance, I think it would be up to the Government to incorporate

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them in general directions regarding its policy in communal matters and then it would not be left to the police or to the District Magistrate to pass arbitrary orders on the basis of custom or any other considerations. It has been accepted both by Hindus and Muhammadans that Muhammadans should be allowed to make cow sacrifice for religious purposes privately and in an inoffensive manner, and I think both Hindu and Muhammadan members here have no objection to this settlement. Similarly, on the occasion of *tazia* processions communal breaches generally occur where *alam*s or *tazias* of abnormal sizes are taken out from beneath the pipal trees, the branches of which are cut in order to let the *tazias* pass underneath them. I think the Hindus should be prepared to have those branches lopped off which overhang the roads and obstruct the passing of *tazias*, before *tazia* processions are taken out, and thus prevent the loss of human lives, which are more precious than the branches of a pipal tree. Similarly, the Muhammadans should in their cooler moments consider about the sizes of *tazias* and *alam*s and make them of reasonable and normal heights.

Then there is the question of conversion. Every community is trying to see an increase in its number and with this object in view every community is making converts to its own religion to increase its number or to maintain its present strength. It is on account of this that they are resorting even to unfair means. I think in the interests of both the communities it is necessary, or rather it is essential, that friendly relations should be established between them. Before any persons are approached for conversion or to an other religion, he should entertain good feelings in regard to other communities. It is highly essential that the Government should take steps to suppress literature, in consultation with representatives of the public or in any other manner that the committee that is recommended to be appointed, may suggest which incites communal hatred. I may point out here that the readers of Dr. Gour were proscribed by the Government, although I have not yet come across the passages that were considered likely to incite to class hatred or communal jealousy, but there have been published a number of books both by the Hindus and Muhammadans which have been admitted to have contributed a great deal to the outbreak of communal riots by inciting class hatred that have not been proscribed as yet. The committee should also inquire as to the conduct of the officers in connection with these riots. I know from my own personal experience of riots at Shahjahanpur and Lucknow that there is a feeling both in the Hindus and Muhammadans that if the officers had been more alert and if they had taken greater precautionary measures a lot of trouble and suffering would have been saved. I admit that the situation was serious and it was very difficult to deal with it. But it is only in the fitness of things that the committee should examine the question whether the steps adopted by the officers concerned were justified or not and if they were not justified to suggest what steps they ought to have taken and should take in the future. The communal tension is increasing day by day and I think it is only proper that steps should be taken to devise means to prevent riots in future. With these words I commend this resolution to the acceptance of this House. In the end I would once more appeal to the members of this House not to raise any controversial issues which are likely to give a setback to the efforts of our friends outside,

and, further, that the object of the proposed committee will be defeated because the wounds are fresh and need careful handling and dressing. I hope the committee which I propose will be able to suggest measures to prevent riots in future.

With these words I commend my resolution to the acceptance of the House.

Hafiz Hidayat Husain: In generally supporting the resolution moved by my honourable friend I wish to confine my observations to the genesis of the troubles that have disturbed the peace of this province. My friend, the mover, has raised larger questions of the policy of the Government, larger questions of inter-communal relations of today and larger questions that should govern the relations between the two communities in future. The question of education, the question of cow-killing, the question of *tazias*—all these questions might be or probably are questions that affect the relations between the two communities. Let me, however, say that the method of education that is being imparted in our schools and colleges is not of recent growth, but the system has been in force for some considerable time past. My friend also forgets that the Muhammadan, separated as he is by the Hindu in practically all those essentials that make up a nation, cannot and probably should not be expected to go to his side in such a manner that it will amount to a merger nor do the Muhammadans expect that the Hindu will give up all those traditions and traits that distinguish him from other communities of the world. There are, however, broader questions of the political uplift of this country in which both Hindus and Muhammadans are most vitally interested. There are also undoubtedly matters which are the disturbing elements in the relations of the two communities, but we cannot actually blame the Government for this. My own impression is that matters like these should be left to the good sense of the leaders of the two communities. The Government, foreign as it is, committed as it is to absolute neutrality in matters of religion, should not be asked to decide matters that are only communal. The Government are concerned with the maintenance of peace in the country, and shall I add with also the political uplift of the country, provided the situation is such that it would not be to the detriment of the country to grant political concessions. Matters both economic and communal, as also those connected with cow-killing or religion should be wholly left for decision to the good-sense of the leaders of the country. A committee like the one desired by the honourable member should, however, confine itself in finding out as to why the relations between the two great communities are getting worse and worse day by day. It should further investigate as to how is it that there has been a wider and wider cleavage between the two communities since January 1923, which as honourable members are aware has resulted in the various riots mentioned by the honourable mover. The committee that the Government may be advised to constitute should be such that it may enjoy the confidence of the members of both communities, find out generally the causes of the various disturbances since last year, and devise measures which will once for all put an end to these communal troubles, which have already thrown back the political progress of this country for at least fifty years. I, therefore, support the spirit of the resolution.

Babu Damodar Das : I am a plain man and know the blunt truth, however unpalatable it may sound to my opponents. To my rusty intellect all these communal troubles between Hindus and Muhammadans may be due to the policy of "divide and rule." Troubles like these are never heard of in Indian States, for example, Kashmir, Hyderabad, or to come nearer home, Ramnagar, Balrampur. When, however, I read in the papers only recently that a riot had taken place in Hyderabad, I feared the contagion might spread to other Native States; but the next morning I learnt from the papers, to my great delight, that peace was restored and that there was no cause for anxiety. In 1917 honourable members will remember, when the question of the grant of Home Rule to India was in the air and when Mrs. Besant had been interned, a riot had occurred at Arrah, in which a Magistrate was also implicated. Now, take the case of Lucknow. When I came here last I heard it said by many people that the Deputy Commissioner favoured the Hindus. Now, however, I am told the Muhammadans are the favoured people. Again, turn to the case of Allahabad. There, when the riot had broken out, a friend of mine requested the Superintendent of Police or some other police-officer to go and quiet the people. He said to him in reply, "Go to Gandhi." Obviously the man could not go to Mr. Gandhi, as he was in Ahmedabad. He, however, went to the rioters himself and appealed to them to restore order, and they did so instantly. Later, some police official, perhaps the Superintendent of Police, came to the gentleman and thanked him for what he had done. Honourable members are no doubt aware with what prophetic certainty a Punjab paper stated that there would be a riot in Allahabad a week after. What happened in Muzaffarnagar is hardly necessary for me to recall. We all know how the infuriated Mr. Darling insulted our Indian friends. There is no gainsaying the fact that there is a suspicion lurking in the people's mind that the Government is at the bottom of these communal troubles, and it is therefore in the interests of the Government to appoint a committee of inquiry, which will go into the genesis of these riots. With these words I support the resolution.

Khan Bahadur Maulvi Muhammad Fasih-ud-din : Like my friend Hafiz Hidayat Husain, I rise generally to support this resolution, but with certain reservations which I will enunciate later on. There is no doubt that there have been recently so many communal riots in Saharanpur, Shahjahanpur, Lucknow, Allahabad, and other places that it seems highly necessary that there should be some sort of a committee to bring about a reconciliation (if not for the purpose of actual inquiry) between Hindus and Muhammadans. If the committee is properly constituted, and if such people are selected by the Government, who, as my friend the honourable mover says, are not desirous of stirring up mud but are anxious to bring about a *rapprochement* I am sure that this committee will succeed, not only in going to the root of the matter but in also bringing about a reconciliation or at least suggesting some ways and means for the Government to bring about a reconciliation between the two great communities. I am not aware of any officials having taken part in this muddle, although some people in Shahjahanpur, as the honourable mover says, told me that some officials did take part. The Muslims were accusing the Hindu officials and the Hindus were accusing the Muslim officials, but we think that this is such an unimportant matter that it had better be adjourned for the present especially in consideration

of the great question that is before us. I submit that the communal riots that have taken place are a very serious blot on the good name of the province and I do hope that this Council will not think that I am inflicting on it a sermon on unity when I say to my countrymen that if we are to grow and prosper, if we are at all to live a peaceful and honourable life, if we are in fact to save ourselves from total annihilation in the near future, then we must live like good neighbours, tolerant people, and honest gentlemen. I am very glad to find that the honourable mover of this resolution has quoted a very true remark of Mahatma Gandhi that it is not the people who fight, but that it is the leaders who fight amongst themselves. If this be so, then I think it is high time that, instead of delivering long and glowing speeches on the platform, we should try to act and act honestly. We should try to be sincere. I think that even those who do not agree with the political views of Mahatma Gandhi and Hakim Ajmal Khan will have to admit that they are sincerity personified, and that they are the very picture of selflessness. Well then why should we be not sincere to ourselves and to our cause and our God. We should not try to be like those pious men whom Hafiz describes in his beautiful couplet :—

زاهدان کین جاوہ ہر مکراب منہ پر میکنند
چون بخلوت میروند آن کار دیگر میکنند

I think it is high time that we should give up all our bias if we are at all to ensure the prosperity of India. We should not act like the soldiers in the field of Kerbala who said to Hazrat Imam Husain that their hearts were with him, their swords were with Bani Omayyides. I think that if we are really honest and sincere, the whole situation will be changed. I am very sorry that the results of these riots have been disastrous to both the communities. We know what has been the result of the Agra riots, the result of the Katarpur riots, the result of the Saharanpur riots. That ubiquitous jail official, the darogha, is always ready to receive with open arms those unfortunate idiots who display their gallantry as braves in order to back up their own community, with the result that he injures really himself and his nation. For these reasons, I think, that it will be good for the Government to be prepared to form a committee of really sincere men and not pick up the members of this committee on the lines of party principles. Besides, the Government should form this committee for the purpose of reconciliation, not for the purpose of inquiry and give a definite programme for that committee. I think that no inquiry will be suitable on an occasion like this, as instead of pouring oil on the troubled waters we will be simply stirring up mud. We cannot be too thankful to the two Hon'ble Ministers for their last tour in the provinces which was made especially for the purpose of bringing about a reconciliation of the two communities, but I believe they will now not dislike the idea of associating themselves with some of the members of this Council in a formal way, and try to make another effort to bring about reconciliation. I am not going to discuss the causes of rupture between the two communities, as this will be outside the scope of this resolution and, if a committee is at all appointed that will be simply anticipating the causes which the committee may find out.

With these few words I would support the resolution.

Thakur Manjit Singh Rathor : I had no desire to make a speech on the subject, but I think it will not be out of place if I say a few words in this connection. Many causes have been shown for the communal riots in this province. Unfortunately communal riots have become a feature of Indian politics during the last two years. It has also been pointed out very pointedly—in fact more pointedly than I was prepared to say—that the presence of a third party is responsible for the eruption of this malady in the Indian politics specially in this province. As the progress of nationalism in the country advances and as the tide for self-government gains strength, it is only right, it is only natural, that the party who has got to suffer on account of the rise of nationalism will try to do all that is possible to bring about a rupture in the ranks of national workers. I am honestly of the opinion that the presence of the third party in this country is responsible, and mainly responsible, for this state of affairs which has manifested itself in this country. The leaders of the country are making honest efforts to bring about unity. The Unity Conference in Delhi has placed before us certain resolutions and certain propositions that are intended and calculated to bring about unity among the different sections of the people. But the question is, what the Government is doing when this state of affairs has come into existence. A conference, as the honourable members of this House are aware, was held at Delhi to bring about unity, harmony, and good-will between the two communities, but the Government is to all appearances sleeping over the matter and it has not been doing anything to bring about any real reconciliation or *rapprochement* between the two communities. That is the lingering suspicion in the minds of the people. It is therefore only right and proper that this Government of the United Provinces should take initiative in the matter and appoint a committee as suggested to bring about a real *rapprochement* between the two communities. I think that it would not be out of place if I mention, as an honourable gentleman has already pointed out, that this policy of divide and rule has always been the guiding principle of foreign rulers in an unfortunate country that happened to be under an alien yoke, and I beg to submit that unless some strong and efficient steps are taken by Government to show to the people that it is not the policy of the Government, any words uttered in a very sweet and honeyed language will produce no impression. Government should therefore take real and genuine steps to persuade the people that it is not the desire and it is not the intention of the Government to continue to cement the broken relations, but it is the policy of the Government to bring about a real unity. Therefore, Sir, I think the resolution which my honourable friend from Lucknow has put before this House is only a very desirable resolution, and I hope the Council will pass it with acclamation.

Before I sit down, I would like to point out that in Bengal people think that as mostly only Hindu leaders have been arrested in connection with the Bengal Ordinance, the Government wants to bring about a breach in the nationalist ranks of the country, for Government would say:—"Look here, you Muhammadan gentlemen, we are not going to arrest your people and all the leaders that have been arrested are Hindus!" Government may not say like this, but the suggestion is obviously there. Though this matter does not relate to our province, it forms a link in the whole chain of the policy of the Indian Government and

that is the conception in the minds of the people. Now, let us look to a case in our own province—I mean the Muzaffarnagar muddle. Efforts have been made to bring about disruption in the ranks of citizens so as to make out that Muhammadan gentlemen are not whole-heartedly and unreservedly with the Hindu gentlemen, but Muhammadan gentlemen are supporters of Mr. Darling. These are things that bring the inevitable impression upon the public mind that the Government are not interested in the harmonious relations of the people. I do not say that they are not, but that is the obvious impression. Therefore, in view of these things it is only right and proper that a committee of members of this Council should be appointed to find out what possible action could be taken in order to maintain cordial relations between the two communities and also to make an effort on behalf of the Government, something in the nature of the effort that has been made on behalf of the leaders in the shape of the Unity Conference, to bring about unity between the people. With these few words I beg to commend the resolution for the acceptance of the Council.

Dr. Shafa'at Ahmad Khan: I do not wish to enter into some of the questions which Mr. Mohan Lal Saksena discussed. To my mind it is essentially important that an investigation by an authority indicated by Mr. Saksena should be conducted. I will tell the Council very briefly why I desire it. In the first place I should like to point out that India is not the only country where these religious strifes are prevalent. If you go through the history of Ireland, you will find that the Irish Catholics were excluded from a very large number of branches of the national life of their country: they were excluded from the Parliament, from the magistracy, and from other offices. In Canada you will find exactly the same state of things. I remember reading a statement made by Sir James Craigh, in 1837. He said that in Canada there were two peoples, not one, and that there was no bond of union or cordiality. In his famous report on the constitution of Canada Lord Durham said that they were dealing not with principles but with races, and that they were in a warring country. By this I only wish to point out that India is not the only country where these strifes are prevalent.

I should go further, and say that India was the first country which formulated the principle of toleration. It was the first country which formulated it and carried it out in the time of Akbar—mere formulation is nothing; it is the execution of the principle that is so important. Well, I assert, and I assert without any contradiction, that it was in the time of Akbar that the principle of toleration was carried to its logical conclusion. What was the state of religious parties in Europe at that time? There was a state of perpetual war among the different classes of the community. In all the European countries of that period wars were going on.

I hope the Council will excuse this brief historical retrospect, but I merely want to point out that India cannot be regarded as a place which breeds these plants, and where constitutional government is impossible owing to the existence of these strifes. I know that there is an argument that is frequently advanced, viz., that we cannot have full responsible government without union, without cordiality, between the two communities. Only this morning I was reading Sir Malcolm

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Hailey's speeches in the Legislative Assembly and I found that he asserted that owing to the existence of communal strifes, it was impossible for the Government to abdicate its primary function of defending the interests of the minorities. I support it on the ground that if we show our willingness to bring about a compromise, we will tell the Government that there is no possibility of that argument.—I should say excuse—being brought against constitutional advance.

Now, the question is, who are the persons who cause these troubles? I have had some experience in Allahabad recently. About ten days before *Chehlum* all sorts of rumours were rife at Allahabad. People were told that there was going to be a riot between the two communities. When bazaar gossips take up a rumour, it is impossible to keep it, if I may say so, within proper bounds, and it spreads with the rapidity of lightning. Three days before *Chehlum* it became so intense and universal that I thought it was a psychological moment, and I asked all the leaders of both the communities to meet together at one place and to pass resolutions with regard to the ways and methods that might be adopted to prevent the possibility of a riot. We met one morning, and in two hours decided upon the measures that were to be adopted. We circulated a printed circular throughout the bazaars and the effect of it was that on *Chehlum* all the leaders, Hindus and Muhammadans, walked through the procession and nothing happened. Why did nothing happen? Because the lower classes, the people as such, were genuinely desirous of peace, desirous of living in amity, in friendship. It was the so-called leaders; the Americans have got a peculiar name for this type of leader; they call them politicians of the outer circle, and they are also called politicians of the ward. It was the "ward politicians," the leaders of the mob, who wanted to achieve fame, as they call it in a very short time indeed, who raised all this trouble. That is one cause. The other cause which Mr. Saksena assigned was also partly, not wholly, true, and that was the conduct of some of the college graduates. I think it is a fact that in the mufassil, and even in Allahabad and Lucknow, you find people educated in colleges who do desire to achieve quick fame as they call it by posing as leaders of the people. Now, they can achieve that only by raising these communal dissensions between the two communities. I do not say that a very large number of them belong to this party. It is fortunate that the number is not large; but there are some who indulge in these practices, because they are commercially paying. It pays them to pose as leaders of religion. Religion at the present time most unfortunately has become from their point of view the best commercial commodity.

Now, I come to the last part, and it is, what steps the Government should take. As regards this, I think that if the Government consent to the appointment of a committee on the lines indicated in the resolution, there will be no harm, because I regard it my duty to say that there are various kinds of rumours afloat not in one place or in one town, but in all towns, that the causes of the recent riots are partly to be accounted for by the fact that Government has something to do with them. I do not know how far and to what extent these rumours are true. I am not bringing any definite charge, I am merely repeating what people say; but I think that in order to clear its own reputation, to

clear its own name, of this foul charge as I consider it to be, it ought to consent to the appointment of a committee because it has nothing to hide.

If its record is clean, if it has done nothing which can be brought to light and would subject it to suspicions, it ought to come out in the open and say :—“ Here we are ; we have put all of our cards on the table ; look at them we are quite willing to get the whole investigation conducted by persons and the committee indicated by you.” For this reason I support the proposal of Mr. Saksena, as I believe it will foster Hindu-Muslim unity.

The Hon'ble the President : Is Mr. Bhagwati Sahai Bedar going to move his amendment ?

Babu Bhagwati Sahai Bedar : I am not going to propose my amendment.

Maulvi Shahab-ud-din : This resolution, in my humble opinion, has to be very carefully considered by the honourable members of this Council, particularly at a time when the leaders of the communities themselves are taking steps everywhere to bring about a compromise and reconciliation. What I would like to suggest to the honourable members is this, that we should very carefully look to the future and see whether the passing of this resolution is sure to bring about good ; it may possibly bring about evil, which will be very bad in itself. The honourable members know that in many places meetings have already been held, not only among the masses of the communities, but also among the leaders locally and in different places, in which they have agreed that they should try by their own effort to bring about such results as will prevent the recurrence of these communal riots in the future. We have to consider two points in these riots. One of them is a point which when you take into consideration you will see that it is impossible in case of a quarrel of a sudden nature to stop it, or to devise measures to confine it within any limits. A sudden quarrel in the heat of passion or suddenly in talking there may be a quarrel between two communities, or between members of the same community. You may generalize and say that a quarrel of this sort on the spur of the moment may arise between brother and brother, between father and son, and between very close relations, and it is unfortunately impossible to stop a quarrel of that kind. We have known several riots in this province which have happened simply because there was something that stirred up, on the spur of the moment, the feelings of the people and caused a riot of a very serious magnitude and of serious consequences. In a riot of that nature I may say at once that it is a fact that no effort of either the executive or of the leaders of the communities can stop it. On the other hand, a communal riot which can be stopped and is within the possibilities of stopping is one in which there is a certain amount of premeditation, where we find a riot is threatened, or where a right has been denied, for instance—unfortunately in this country a riot can take place over very trivial and unimportant grounds, such, for instance, as a *pipal* tree or something of that nature—but in these cases it is within the power not only first of the communities themselves but also of the executive to take measures to stop it. If the communities come to a proper reconciliation before the event itself it is quite possible that the matter may be settled quite amicably. On the other hand if the executive takes proper precautions—such as binding down to keep the peace people whom Government

[Maulvi Shahab-ud-din.]

think likely to take part in the riot, etc., the riot can be stopped. So I may say that a quarrel of that nature can be settled amicably by both sides. Now, the question is, whether it would be in the best interests of both communities when they are all concerned to bring about a compromise to have what the resolution wants—a committee of inquiry. Now, a committee of inquiry means inquiring everywhere and the recording of evidence, and it is a pity that a court of justice of whatsoever impartiality itself it has to sift the matter, with the result that you cannot expect much impartiality on the part of the witnesses who come to give evidence. You start the inquiry in a certain place; a member of one community comes forward and it is no wonder that he will try to justify the conduct of his own community and charge the other. So the other community, on the other hand, in defending themselves will at the same time try to make points against the other, with the result that they would stop those efforts that are being made by the communities themselves for a considerable period because you will find that in every district you will by your inquiries and evidence stir up such a lot of spirit between the communities that compromise will become difficult. After all, the members of one community will say: "Why should we take the blame on our community?" And likewise the other community will try to blame the other one. You know that in many places where there have been very serious riots people have now sat together and discussed the matter and come to a proper understanding and have come to the conclusion that it is by their own efforts mainly that a thing like that can be prevented.

The other point in this committee of inquiry that I would like to bring to the notice of the members of this Council, and which may also prove to be a sort of friction among the members of the committee themselves is this: Who knows that to maintain a balance of impartiality we will have to have an equal number of representatives from both communities, i.e. five Hindus, five Muhammadans, and five officials. And if by chance the five of one community start making out a case for their own community and the other five start to make a case for themselves, the result would be a very long report, where five members would make charges against one community, the other five against the other community, with the result that differences that have now in most cases been really made up may become fresh wounds and thus the committee prove more harmful than helpful towards remedying the evil. Now, there is only one point that I would like to bring to the notice of honourable members of this Council, and that is this, that a resolution like this, if carried, and an inquiry is held into the conduct of the Government officials even then there may be some sort of difference of opinion—there may be Government officials concerned who are members of the different communities; and there, too, the inquiry may prove rather very injurious. In a case of sudden quarrel with which it is impossible to deal, I would like to put it to the executive that in most cases of that nature the consequences can be avoided by a little care, a little coolness, meaning thereby that fire should not be resorted to unless absolutely necessary. My point is this. Supposing we have got thousands of persons sitting over there doing some religious work and by chance a bee-hive has got scattered and the bees start stinging the people. There will naturally be very serious commotion. And if the

Collector is cool, the Superintendent of Police is cool, and all other officials are cool but the guard starts shooting, the result will be that one of the communities will say that the shots came from the other community; the Hindus will say that the shots came from the Muhammadans and the Muhammadans will say that the shots came from the Hindus. In such cases of sudden quarrel, if the Government would simply issue instructions to the effect that very great caution should be observed and that very high and really responsible officials should order fire, then I think most of these riots which arise out of sudden quarrels will cease.

So far as arrests are concerned, most honourable members will know from their experience that sending people to jail, giving them sentences of five years, or transportation or capital sentence has got no more effect than money penalties. If you find that in a certain area there is going to be trouble during *Moharram* or *Dasehra* the simplest method which is already resorted to by the executive is to have a few of the responsible men on both sides bound down to keep the peace in substantial sums of money. These always prove very fruitful. I do not want to detain honourable members very long on this point, but this thing has to be considered before you pass the resolution that a resolution of this nature, in the light of my remarks, may instead of doing any good, do a lot of evil, an evil which will certainly be of some permanency for some time. In Saharanpur we had a very serious riot but even after that riot the two communities have now come to a sort of understanding in a public meeting.

With these few words I oppose the resolution, a little bit strongly because I am afraid that this would certainly lead to very bad consequences.

The Council adjourned for lunch.

After the adjournment the Deputy President took the Chair.

Rai Bahadur Thakur Mashal Singh : I appreciate the good intentions and the laudable objects of the mover of this resolution, but I doubt very much if the committee which he seeks to set up will serve any useful purpose. There has already been a Unity Conference in the country and the choicest and the best of our countrymen put their heads together for arriving at certain conclusions. I do not think this committee which the mover of this resolution advocates will add anything substantial or anything useful to the proceedings. It is now the duty of our countrymen to act up to the decisions of the Unity Conference. There is no doubt that in certain districts the authorities have been a bit slack. It may be due to their error of judgment or something deliberate on their part to foster the dissensions that are existing at present. But the object of the resolution is not only to investigate the existence of such remissness on the part of local authorities but to inquire the causes in general of these communal strifes. I do not think any committee appointed by the Government can solve this difficult problem. It is for the members of both the communities to solve this rather ticklish question. For these reasons I do not think this committee, if appointed, will do any good to the country.

Dr. Shafa'at Ahmad Khan : I propose that the question be put.

The Deputy President : The resolution is an important one and there may be other members who would like to speak.

Dr. Ganesh Prasad : I rise to express my view on this question. While I congratulate the honourable mover on his having initiated a discussion on this very important question, I do not think he will be wise, after having threshed out the points, in pressing it to a division. It seems to me that three things have arisen out of the discussion. One of these three things is the very great distrust that exists in the minds of the members of this Council of the Government. We all know that the Government is a powerful body. But in the civilized world there are other powerful Governments where men with divergent interests live together. There are men with divergent interests not only here in the United Provinces, but also in German Poland and in the Republic of France. But in those foreign countries communal riots do not take place. Nobody is proud of the record of the Czarist Russia where pogroms used to take place practically every month. That is what happened in these provinces during the last few months and the Government of these provinces stands condemned. I congratulated the honourable mover on his having initiated a discussion of this kind because it has been helpful in bringing home to the Government the bad condition in which it is. The second thing that has emerged out of this discussion is our own weakness. There is not the least doubt about it. There are many honourable members here who have welcomed this committee ; but I ask them to put their hands on their hearts and let us know if in their opinions this committee will do any real good. There is not one man here who has the confidence of the public as Maulana Abdul Kalam Azad or Hakim Ajmal Khan has. If these men have not been able to bring about unity and peace up to this time, I do not think any committee consisting of the members of this honourable House will be able to bring about unity and peace.

The third point that has emerged out of this discussion, is that many of my friends have accused Government of slackness and something worse. I said in the beginning that I rose to speak on this resolution with some hesitation because I knew that some of my remarks would not be particularly palatable to some of my honourable friends here. If the Government has been slack most of us can be accused of slackness.

There is not the slightest doubt that even if this committee is appointed by Government, Government will be represented there as a third party and if, as the supporters of the motion said, Government has created dissensions among thousands and lakhs of the two communities, surely it is absurd to think that it will not be able to create dissensions among the ten non-official members of the committee. Personally I do believe that Government is a very able Government, but I say that Government cannot congratulate itself on being unable to bring about better feelings between the two communities. Government is powerful ; everybody knows it ; but for a long time it was not able to bring about peace among the two communities even round about the Aminabad Park at Lucknow. The Government is certainly powerful ; but if it continues to see in a passive mood all these things happening and allow these things to happen, surely it can be accused of creating dissensions among the two communities. Sir, with these remarks I wish now to make an appeal to my honourable friend the mover. He acted wisely in giving many members of this honourable House an opportunity to express their opinions of the Government : he should now

Maulvi Muhammad Obaid-ul-Rahman Khan: It is with great diffidence that I rise to speak on this resolution because I think that the resolution requires the greatest consideration. It is a resolution upon which the salvation of our country depends. Sir, there cannot be two opinions about the fact that the salvation of India depends upon the unity of Hindus and Muhammadans, and until and unless both the communities unite we cannot achieve our goal. If we wish to live in this country, it is our foremost duty to unite. But, Sir, there is the question, how can we unite? How can we achieve our end? I think it is a question which must be decided by the public itself. It is a question which must be decided by the leaders of both communities. Sir, there is now a great national weak ahead. The All-India Congress Committee is going to meet at Belgaun and the All-India Muslim League is going to meet at Bombay. I think these two institutions have every right to consider over the question, to think over the problem and then to find out some solution for it. I think that this time it will not be wise on our part and it will not be advisable on our part to intervene on this question. There is one logic which I am quite unable to understand. It is said by some of my honourable friends who have supported this resolution, that it is the presence of the third party which is the cause of all these troubles. Now, Sir, we are going to the same party and are asking that very party to solve this problem. There will be some members of this party also in the proposed committee. We are giving the right of nominating members on this committee to the same party. How can it be that this party will help us in solving this question? Really I am at a loss to understand this logic. Sir, it is very difficult to say what are the causes out of which these troubles have arisen all of a sudden in the present year. Sir, I am not of the opinion that officials, and only officials, have been the cause of these troubles. I may say without the fear of contradiction that it is Sanghtan and Shuddi movement which has been the cause of these riots, which have brought the two communities in contact with each other. It is very unfortunate, and really we should try our best to do away with this struggle and try our best to unite the both communities as soon as possible. Sir, while I know that this committee will only not serve our purpose, rather I fear that the position may not be still worse. I therefore earnestly appeal to my honourable friend who has proposed this resolution to withdraw it, and then afterwards to discuss it in private and then to come at a conclusion whether any such resolution should be brought before the Council or not. With these few words I beg to oppose the resolution with all the force at my command.

When Babu Bhagwati Sahai Bedar began to speak in Urdu on the resolution, Mr. H. Davil rose to a point of order and said :

A few minutes ago Mr. Bedar put a number of supplementary questions in good English which was very well understood by the Hon'ble the Finance Member and the Hon'ble the Home Member. I therefore suggest that he should not be allowed to speak in any language but English.

The Deputy President: I do not think Mr. Bedar, by putting supplementary questions in English, has lost his right to speak in Urdu.

Babu Bhagwati Sahai Bedar supported the resolution in Urdu.

Mr. Muhammad Aslam Saifi : My friend Mr. Bedar's speech in its frankness has been very refreshing indeed. He has told the House that having failed to achieve what they had set themselves to, they have now come to this Council in order to co-operate with the Government and they now want to see whether the Government is willing to extend co-operation to a certain school of politicians of this country. I think that instead of three things emerging out of this discussion, as my friend the learned representative of the Allahabad University has pointed out, there is only one thing that has emerged out of it, and that is the downright fact that it is the Muhammadans and Hindus who actually commit these riots. It is we who are the cause of them; it is we who commit them and it is we who are to blame for them. If we cannot settle these things among ourselves, I think it would be a matter of shame for us. There was a Unity Conference at Delhi and it has been to a very great extent a great success. To that Conference, were invited all classes of people, Hindus, Muhammadans, and Christians, and also, I suppose, people of various other denominations. If we admit that we have failed in that direction, even that would be a confession of our impotency in doing what we wish to achieve. We do not admit that we have so far failed. Mr. Bedar has stated that he wants—and a good many friends want—the co-operation of the Government to achieve this purpose. I therefore see no reason why the Government should not come forward and co-operate in this proposal of my honourable friend Mr. Mohan Lal Saksena, more particularly when they have been accused, and that accusation has not been levelled against them by some of the honourable members of this House, but it is a matter which is in the mouths of, if not exactly millions, thousands of people. If the Government, as my friend who sits to my right has said, has nothing to conceal or to be ashamed of in this matter, why should they not appoint a committee, the object of which is nothing else but the achievement of unity?

There are three parts of this resolution, as has been pointed out, but I think the most important part is the last part. As they say, the sting lies in the tail. The last part suggests certain proposals to the Government to bring about this unity. I understand, when the Unity Conference was held at Delhi it was our Governor, Sir William Marris, who sent a telegram to the President of that Conference expressing his hope that they would be successful in their efforts. It was the Viceroy and the Governor General himself who sent a telegram to that Unity Conference expressing the same hope and, if I am not wrong, the then Secretary of State also cabled to that effect. If those high State officials, the Governor, the Governor General, and the Secretary of State, could come forward to wish the Unity Conference success, I do not see any reason why the Government should not. Mr. Bedar was not allowed by the Hon'ble Deputy President to move his amendment, but we now know what he means. I hope the Government will accept the resolution. Even if we do not succeed, although I hope we will, no harm will be done to the country. With these words I support the resolution.

The Hon'ble Mr. S. P. O'Donnell : When I first saw this resolution I wondered what purpose the honourable member imagined it would serve. I listened very carefully to his speech, and I am still left wondering.

The resolution proposes in the first place that a committee be appointed to inquire into the causes of the recent communal riot. The expression "the causes of the riots" is ambiguous. It might refer to the local incidents or matters which have been the immediate occasions of disturbance. I gather, however, that the honourable member did not intend that. I gather that he did not intend to suggest anything quite as impracticable as the investigation of the numerous disputes that have occurred in so many places during the course of the last two years. I understood that he referred rather to the wider and more permanent causes, which underlie the estrangement of which these disputes are the symptoms. I have said "causes," but according to the honourable member apparently there is only one cause, and that is, the policy of the Government. The honourable member began his speech with a perfunctory acknowledgment of the existence of other causes, but as he went on, it appeared that there was only one cause, and that was the policy of the Government. It is the sinister activities of the Government and its agents which are alone responsible for these riots. Were it not for this policy and were it not for these sinister activities of the Government, the peace and harmony of the province would not have been ruffled by a single dispute. Now, Sir, I do not take these charges against the Government very seriously, because I do not believe that they are taken seriously by any considerable body of public opinion. It may be convenient to throw the blame on the Government, for this as for everything else that is wrong, but I do not believe that the charge is one which carries conviction. It has always been the policy of the Government not to foment disputes, but to allay them, and if proof of this were required it is to be found in the actions of the district officials, to which I shall refer later. Everyone knows—I say "everyone" deliberately—that the real and permanent causes are not the policy of the Government, but other far deeper and far wider causes. And I say also that everyone knows what these causes are, or at any rate, they are at least as well known as they are ever likely to be. I do not mean to say that there is no difference of opinion about them. It is a fact that during the last two years there has been a growing estrangement between the two communities, and if one were to ask an average Muhammadan to give his explanation of this fact, I think that it would not altogether tally with the explanation which we should obtain from an average Hindu. But does anyone suppose that such differences would be reconciled in a committee, Is any probability whatever of this committee arriving at a unanimous report, and if by a miracle it did produce one, would it not be so colourless as to be entirely valueless? In all probability we should not get a single report. What we should get would be three reports—one from the officials, one from Hindus, and one from Muhammadans; or if we get a majority report, it would be accompanied by a great mass of dissenting minutes. Is it conceivable that such a report or reports would help? On the contrary, it is certain that an inquiry of this kind would be of no practical assistance. It would not tell us anything that we did not already know, and in so far as there are already differences of opinion, these differences would not be resolved.

The second part of this resolution asks that there should be an inquiry into the conduct of Government officials. Now, Sir, I am not over-sensitive on the subject of criticisms of the Government. The

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Government is accustomed to criticisms, and the shoulders of the Government are broad enough to bear them, more particularly when they are of the kind that cuts no ice. But I do resent the suggestion that the conduct of district officials has been such as to call for an inquiry. I say that there is no shadow of foundation for this suggestion. There is not a single District Officer or Superintendent of Police in this province who during the last two years has not been constantly engaged in endeavouring to settle disputes, to compose differences, and to avert riots. If they had not been always successful, that is not their fault. There have been occasions on which no precautions and foresight could have availed. But, for every riot that has occurred, there have been a score of disturbances that have been averted by their tact and skill. The conduct of the District Officers during the period has been one of which they may well be proud, and so far from calling for carping criticisms or the investigations of a roving commission deserves the gratitude of all those who have the welfare of the province at heart.

The third part of this resolution suggests an inquiry into the remedial measures that should be adopted by the Government to prevent their recurrence in future. This seems to be the most surprising part of a surprising resolution. The Council will observe that measures are to be taken by the Government. Now, Sir, we had recently at Delhi a Unity Conference. I may have misunderstood the proceedings of that Conference but I certainly gathered the impression that the Conference deprecated any intervention by the Government. It seemed to me that the view of the Conference was that the initiative rested with the communities themselves. It was for them to take steps to put an end to these disputes and for that purpose the Conference formulated a whole series of resolutions which in its opinion, if acted upon, would produce the desired result.

I am not going to discuss the detailed suggestions made by the Conference, but two things seem to be clear. In the first place, it seems to me extremely unlikely that any committee which we could appoint would be more successful than the Delhi Conference or that any provincial committee would be able to devise remedies which escaped the notice of that Conference. The second point is this. I think the Conference was right in taking the view that the initiative must come from the communities themselves. The Government are willing, as they have always been, to help in every way they can, and, as I have said, our officials have again and again intervened to compose differences. In this very town of Lucknow, have not two Deputy Commissioners been actively engaged for months in settling the dispute there? And I am glad to say that the present indications are that they have attained measure of success. We are willing, and our officials are willing, to do everything they can, but all such efforts do not and cannot go to the root of the problem. The only ultimate solution is the growth of a spirit of mutual tolerance. And history and experience alike show that the spirit of mutual tolerance is a plant of slow growth. If you go back two or three centuries of European history, you will find that nearly every European country, practically every European country, was torn by religious dissensions of the fiercest character. The spread of enlightenment, the growth of that toleration which education fosters have dissipated or weakened the animosities of the past, though there are still countries, for example my own,

in which religious differences are acute. I do not suggest that the process in this country need take as long. In modern conditions, changes which have been spread over centuries in the past may be compressed into a single generation: but I do say that there is nothing else except this growth of a spirit of mutual toleration which will really help.

I trust that the Council will reject this resolution. I cannot believe that it will do any good: I am quite certain on that point. If it has any results, these results will be evil, and only an increase in the existing embitterment which we all deplore.

Babu Mohan Lal Saksena: My object in moving this resolution for the appointment of a committee was not in any way to retard the activities of the public outside in this direction. After hearing the speech of the Hon'ble the Finance Member I confess I have not been convinced that the committee will not succeed in devising means for prevention of communal riots in future. If I were convinced that this committee will not be able to devise measures I would have withdrawn my resolution. It has been said that the causes are well known and if this committee will inquire into the causes it is probable that there will be differences of opinion as to them. So far as this resolution is concerned, it does not matter if the members of the committee are not united in their findings as to the causes. I think even if the findings of one set of members are different from those of others, still the committee can find out a *via media* to counteract the totality of their effects. So far as the first part of my resolution is concerned, it is simply to find out suitable remedial measures that I have introduced it in the resolution. As to the second part my object was as we have been appealing to Hindus and Muhammadans not to support their riff-raffs, not to shield their hooligans, and to expose *gundaism* without any reserve, in the same way I am appealing to the Government to hold a public inquiry into the conduct of the officials whether they are District Magistrates and their underlings. There is no doubt that there are Government officials whose conduct has been questioned. There are officials against whom allegations have been made that they did not act rightly or did not take true precautions. If they had done so the tension would not have increased. Take the case of Lucknow. I think the Deputy Commissioner was responsible for the whole trouble. The House will remember that at Amethi during last *Muharram* the wholesale worship in a Thakur Dwara was prohibited by an executive order. The whole trouble arose on account of this order and that order had to be withdrawn at 11 o'clock in the night.

The Hon'ble Mr. S. O. D'onnell: Was it not a fact that the Deputy Commissioner did reverse the order of the Sub-divisional officer?

Babu Mohan Lal Saksena: Exactly that was so. I do not say that he was the Deputy Commissioner but he was another Government officer who passed that order. I think that the policy of the Government with regard to these matters should be once for all enunciated as to the nature of orders that can be passed regarding religious performances. If that order had not been originally passed, I think this trouble would not have arisen. Again, when that order was withdrawn the next morning, the Hindus and Muhammadans had arrived at a settlement. They had fixed a certain time, the time when there was to be no *majlis* of the Muhammadans, that the Hindus were to perform their *puja* and that

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was between 6 and 7 p.m. But the deputy collector changed the timing from 6 to 7 p.m. to 5 to 5.45 p.m., exactly the time when the *majlis* was to be held, and even then he did not remain on the spot as he had been deputed, to see that his orders were carried out and that there was no riot. He left that place without seeing that his order had been carried out. When an arrangement had been arrived at between the Hindus and Muhammadans and when a new order was passed by him it was necessary for him to see that it was carried out. The Amethi riot was followed by the Lucknow riots. I again submit that it was the result of the executive orders passed in succession. One order was in favour and another was against the Muhammadans. This procedure continued for nearly a week. One *Ramdol* procession was held up and then it was allowed. The Muhammadans were under the impression that they had succeeded, but when they found that it was allowed they thought that they had been vanquished, and then naturally their feelings were excited. If these successive orders had not been passed in this way, I think there would not have been any trouble in Lucknow. Now, coming to the Aminabad Park question, I know, and I am ready to state in this Council without any fear of contradiction that formerly there used to be no trouble about the performance of *arti* and *namaz*, and Muhammadans never performed their *namaz* and Hindus their *arti* at the same time deliberately, though they might have coincided. Now, the City Magistrate went there and ordered the saying of evening prayers and the performing of *arti* at the same time and they were performed simultaneously for two days and after that an order was passed that the *arti* should be performed 15 minutes after the *namaz* was over, and that was the immediate cause of the riots at Lucknow. Even now the timings of the *namaz* and *arti* are regulated somebody has to keep the time and I do not know whether this is a permanent settlement at all. Therefore what I want is that, after careful consideration of feelings of the people, this committee should recommend a definite policy for the guidance of the district officials and then the Hindus and the Muhammadans will not remain in suspense as to what view the District Magistrate or the Deputy Magistrate will take. They will know the view that will be taken by them on account of declaration of the policy to be recommended by the committee. An objection has been raised by one of my friends here that the presence of the third party on the committee will not enable us to arrive at a settlement. Our policy in this direction is quite well known. We consider communal disunity as a national calamity and we are prepared to co-operate with the Government in this matter, and the acceptance or non-acceptance of this resolution will be a test of the sincerity of the professions of the Government whether they mean to promote cordial relations between Hindus and Muslims or not, and the conduct of the officials who will be present on the committee will also be a test whether they allow the ten men to come to a settlement or create discussions as some speakers have already alleged. I think the Government is very shrewd and will not allow itself to be exposed as has been alleged by one honourable member, by its conduct during the proceedings of the committee.

I said in the very beginning of my speech that both Hindus and Muhammadans are to blame for these dissensions. I have also said

that this committee is not to inquire into the degree of liability or blame that ought to be attached to each community. I think both the communities are equally responsible for the riots. I also think that these riots have occurred for want of education, and this statement has been supported by no less an authority than the late Secretary of State for India, Lord Oliver. He said :—

“ I heartily welcome the Unity day,” this was the message sent by him to the “ Statesman,” “ Religious feuds formerly disastrously divided Great Britain, but they disappeared before the advance of education yielding to the principles of tolerance and freedom of conscience which are the root of democratic development.” So after 150 years of British rule in India the Government has not succeeded in sufficiently educating the people here to be tolerant; it has not succeeded in spreading that amount of education which would have made these outbreaks impossible. It is a censure upon the policy of the Government. When I said that the Government was responsible I did not mean that the present Government or the Government of Sir William Marris was responsible for it, but I meant that the British Government has been responsible for this short-sighted policy of “ divide and rule ” and of deriving its strength from communal dissensions. I would close my speech with citing the message of His Excellency Sir William Marris which he sent to the “ Statesman ” and which has also been referred to by my friend Mr. Saifi. It runs thus :—

“ I wish the unity movement all success. The United Provinces have recently seen too much of communal strife. If the Hindu and Muslim leaders can inspire the rank and file on either side with the idea of unity they will have made a great advance towards solving India's political problems.”

I hope Sir William's Government will accept this innocent resolution which does not propose to accentuate the differences, but simply to help the unity movement that has been started by the public outside.

With these few words I appeal to this Hon'ble House to accept my resolution.

The resolution was put, and the Council divided as below:—

Ayes (32).

Babu Narayan Prasad Arora.
 Babu Sangam Lal.
 Babu Mohan Lal Saksena.
 Babu Damodar Das.
 Babu Bhagwati Sahai Bedar.
 Thakur Manjit Singh Rathor.
 Thakur Shib Narayan Singh.
 Chaudhri Badan Singh.
 Thakur Sadho Singh.
 Pandit Brijnandan Prasad Misra.
 Pandit Bhagwat Narayan Bhargava.
 Pandit Jhanni Lal Pande
 Pandit Sri Krishna Dutt Paliwal.
 Babu Parsidh Narayan Anad.
 Pandit Yajna Narayan Upadhyay.
 Pandit Govind Bulabh Pant.

Pandit Hargovind Pant.
 Mr. Mukandi Lal.
 Babu Ram Chandra Sinha.
 Dr. Jaikaran Nath Misra.
 Babu Bindeshwari Prasad.
 Thakur Hukum Singh.
 Rai Bahadur Babu Shankar Dayal.
 Dr. Muhammad Naim Ansari.
 Maulvi Zahur-ud-din.
 Khan Bahadur Chaudhri Amir Hasan Khan.
 Hafiz Hidayat Husain.
 Maulvi Abdul Hakim.
 Dr. Shafa'at Ahmad Khan.
 Qazi Habib Ashraf.
 Shaikh Abdus Samad Ansari.
 Rai Bahadur Babu Vikramajit Singh.

Noes (41).

The Hon'ble Mr. S. P. O'Donnell.	Mr. H. David.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khao, Khan Baha'ur.	Babu Khem Chand.
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Rai Jagdish Prasad Sahib.
The Hon'ble Rai Rajeshwar Bali.	Rai Amba Prasad Sahib.
Mr. G. B. Lambert.	Lala Dhakan Lal.
Mr. E. A. H. Blunt.	Chaudhri Sardar Singh.
Kunwar Jagdish Prasad.	Lieut. Raja Durga Narayan Singh.
Mr. G. B. F. Muir.	Thakur Hanuman Singh.
Mr. A. C. Verrières.	Kunwar Rajendra Singh.
Mr. C. E. D. Peters.	Rai Bahadur Thakur M. shal Singh.
Mr. J. R. W. Bennett.	Kunwar Surendra Pratap Sahi.
Mr. S. H. Fremantle.	Maulvi Shahab-ud-din.
Mr. R. Burr.	Lieut. Nawab Jamshed Ali Khan.
Mr. W. S. Cassels.	Nawabzad. Muhammad E'jaz Ali Khan.
Mr. C. M. King.	Maulvi Obaid-ul-Rahman Khan.
Mr. F. F. R. Channer.	Saiyid Muhammad Ashiq Husain.
Mr. A. D. Ashdown.	Mr. Ashiq Husain Mirza.
Colonel A. W. R. Cochrane.	Khan Sahib Munshi Siddiq Ahmad.
Mr. A. H. Mackenzie.	Raja Shambhu Dayal.
Mr. G. Clarke.	Raja Jagannath Bakhsh Singh.
	Mr. Tracy Gavin Jones.

The resolution was accordingly negatived.

RESOLUTION *re* BRINGING KUMAUN UNDER THE CIVIL JURISDICTION OF THE HIGH COURT.

Mr. Mukandi Lal : I rise to move the resolution:—

"That this Council recommends to the Government that they take immediate steps to bring the administration of civil justice in Kumaun into conformity with that prevailing in the rest of the province, so that the three districts of Garhwal, Almora and Naini Tal may be brought under the jurisdiction of the Allahabad High Court for civil suits and appeals."

I think you are aware that the Kumaun division comprises of the three districts of Garhwal, Naini Tal and Almora. This division has a very great and ancient history behind it. The recorded history that we find comes down from 1308 from the time of the present ruler of Tehri's ancestor, Ajaipal. The next stage begins in 1814-15 when the British Government took over the administration, or rather rescued the country from the clutches of the Gurkhas. They gave half the district of Garhwal to the ancient Raja of Tehri and took over three-fourths of the Kumaun division. Since then this division has undergone various vicissitudes. You will be surprised to notice, Sir, that in 1816 it was under the Board of Commissioners of Farrukhabad. In 1820 it was included in the Bareilly division. In 1825 Bijnor and Dehra Dun were included in Kumaun. In 1838 Kumaun was under the jurisdiction of the Sadar Diwani Adalat, Sadar Nizamat Adalat and the Sadar Board of Revenue of North-Western Provinces until 1864. Then in 1863 the Jhansi civil rules were applied to Kumaun and it was removed from the control of Sadar Diwani Adalat. In 1864 a law was enacted to legalize the various Acts that were passed with reference to Kumaun. Since then the administration of Revenue, Civil and Criminal Justice in Kumaun is being carried on under Regulations issued especially for that purpose. These Regulations were codified as "Kumaun Rules" in 1894. And since the Commissioner of Kumaun is the High Court of

Kumaun, he was the High Court of Kumaun both for criminal matters and civil suits up to recent times. At present the Commissioner of Kumaun is the High Court for Kumaun for all civil cases. He is the highest court of appeal, not only in civil cases but in revenue cases also, except that revenue cases are referred to the Board of Revenue also. Recently Kumaun was brought under the jurisdiction of the Allahabad High Court for criminal cases, that is to say, appeals from the decisions of the Sessions Judge of Kumaun who tries the sessions cases of that division lie direct to the High Court. Even though the Commissioner is the High Court of Kumaun, the Allahabad High Court is the highest court of appeal in connection with the Indian Companies Act, the Indian Succession Act and the Indian Railways Act, and not the Commissioner of Kumaun. It is thus apparent that Kumaun is under a very dubious system of administration in civil law. In some matters the Board of Revenue is the High Court; in the majority of matters the Commissioner of Kumaun is the High Court. In criminal matters the Allahabad High Court is the highest court of appeal. Again, in some civil cases the Allahabad High Court has Kumaun under its jurisdiction. This difficulty has been recognized not only by the people of Kumaun but by the Government itself. Since 1894 the people of Kumaun have been agitating for this reform by which they wanted to come under the same civil administration as the rest of the province. It was, I think, 1898 that a memorial was submitted to the then Lieutenant-Governor, Sir Antony Macdonnell, by the people of Kumaun in which they said:—

“Your memorialists therefore pray that the High Court of Judicature for the North-Western Provinces may be declared to be the High Court for the Kumaun division for all civil cases and that an appeal be given direct to the said High Court in all cases above Rs. 5,000 in value under section 440 of the Code of Civil Procedure and a second appeal under section 584 of the said Code from the decrees of the District Judges in the division.”

In the same memorial the people of Kumaun said:—

“As to the defects of the courts, the court of the Commissioner is unsuitable as a final court of appeal in civil cases and it would be more convenient to the suitors to send their cases to their legal advisers at Allahabad where a regular bar exists and to have them conducted by them than to file their appeals in the court of the Commissioner and follow him into his camp—particularly in winter when the tours are extensive.”

I would add here when particularly his tours are extended into the jungles of Bhabar. This is only one instance that has been quoted. I will point out to the House other difficulties of Kumaun that arise on account of its not being under the same system of civil laws as the rest of the province. The deputy collector, who discharges three functions, tries the revenue cases; he looks after the miscellaneous work of the district as sub-divisional officer; as a magistrate he tries criminal cases; and as a munsif he tries all the civil cases. Now, what happens is this. He always gives preference to the miscellaneous work as sub-divisional officer. Then he takes up criminal cases naturally. Then he begins revenue cases; and the civil suits come right at the end. Great delay is thus caused. However, this is not the only difficulty. New deputy collectors and district officers transferred into the district of Kumaun do not know the customs of the people and the codes of Kumaun, the

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latter not being in proper form, and thus experience difficulties. You will be surprised to hear that an instance of the muddle that is created by the magistrates of Kumaun on account of their deficient legal equipment and inexperience was given in the second Political Conference at Allahabad in 1908 by Pandit Lakshmi Datt Pande, a vakil of Almora, who moved a resolution there similar to the one that I have moved today in this Council. He said :—" You can imagine our position in Kumaun where nearly the whole staff administering civil law is generally recruited from gentlemen who are often totally ignorant of the A B C of the subject. A deputy collector or tahsildar serving in the plains is transferred to Kumaun. How can he administer civil law, and is it any wonder that he should turn round and inquire where to find the law on the subject? I was once sitting in a civil court in Kumaun when a petition was presented on behalf of a Muhammadan lady whose husband was missing for a certain number of years and who wished to contract *nikka* again. The judge turned round and inquired if there was anything in the Civil Procedure Code which would permit him to allow the prayer." Then he related another story :—" There was, I am told, a suit in the civil court only the other day in which the defendant was a minor and a guardian had been appointed. Curiously enough the decree was passed against the guardian and not the minor. You may say it was a mistake, but on this very ground an appeal was made to the district judge who dismissed the appeal." These are a few illustrations of the defects. As I said, a deputy collector has to discharge three functions and therefore he has to do a good deal of touring. What happens? When he goes on tour and takes up the cases of one part of the division at the other end of the division (the district of Garhwal for instance is a large one, 300 miles in length and two hundred miles wide). Then if the litigant has to follow the deputy commissioner who is the district judge, when he goes to the borders of Garhwal sometimes the litigant has to travel 200 miles before he reaches the court. If he goes for a shoot in Bhabar you can imagine the calamity of the people who have to follow him into the jungles. The same is the fate of those who have to follow the deputy collectors into their camps. That is one difficulty.

Then, Sir, there is another drawback of the system which I want to bring to the notice of this Council, that we the people of Kumaun are in a way not fully governed by this Council. The laws made in this Council may apply to Kumaun; but there are other laws which this Council may not legislate, yet they are promulgated in Kumaun by means of notifications and have the force of law. In 1816 eight notifications were issued and they have been in force since. Kumaun being a scheduled tract, the Government can issue notifications and orders which become law in Kumaun. What we want is to come into conformity with the rest of the province. We want to extend the authority of this Council over Kumaun. We want at the same time the High Court of Allahabad to extend its full authority over Kumaun. You may be surprised to notice that we want more power and authority over us. We want disciplined power, the power of law, not the vagaries of a few officers. In answer to questions put this morning you have heard that certain jagirdars and loyal residents were refused licences for keeping fire-arms. We were told the Government does not know

why licences were cancelled or that it is within the discretion of the district officer to grant licences or refuse to do so. These things are possible only in a non-regulation tract like ours; it is not possible elsewhere.

There is another question. You heard only this morning in answer to a question of monopoly of fuel at Naini Tal that the people cannot sell grass and fuel in the open market in the Kumaun division. In my district Government has been pleased to give the monopoly of grass to a contractor (that contractor is the Government Transport Agency) who buys it at six annas a maund and sells the grass at 14 annas a maund to those poor kumhars who carry loads to my district at the rate of Rs. 2 per maund from Dogadda to Pauri. They get only four rupees and have to pay Rs. 3-12 to feed their mules with grass and gram. These things are only possible in a district like mine which is not administered under the same system of civil laws and justice as other parts of the province. It is on these grounds that we want the Kumaun division not to remain any longer a secluded division or scheduled tract as it is at present.

Now I will point out whether there is any justification for this. I have pointed out that so long ago as 1898 a memorial was submitted to His Honour the then Lieutenant-Governor. In 1907 at the first political conference of this province a resolution was moved by the late lamented Pandit Sundar Lal and passed in the political conference:—“That this conference is strongly of opinion that the jurisdiction of the Allahabad High Court should be extended to civil matters in Kumaun as it has already been to criminal matters.” Next year another resolution was moved and passed by the same conference. That resolution was moved by Rai Bahadur Badri Dutt, Government Pleader of Kumaun, and was that:—“This conference is thankful to the Government for the prompt consideration it has given to the prayer of the people of Kumaun for the extension of the jurisdiction of the Allahabad High Court to civil matters in Kumaun, and earnestly hopes that it would be pleased to take steps to grant that request.” Has that request been granted since 1908? The promise of Government, for which this resolution was passed thanking Government, has not fulfilled. Then, Sir, as you will be told probably by the Government, a committee was appointed by Government. This was called the Greeven Committee. That committee held an extensive inquiry and came to the conclusion that the present system of administration of civil justice in Kumaun was “undesirable and unjustified.” That committee had given its finding in favour of affiliating the Kumaun division to the High Court of Allahabad in 1911, and I understand that even some members of the present Government were then in favour of affiliating Kumaun to the High Court. Sir, that is not all. In 1916, Sir John Hewett, the then Lieutenant-Governor of these provinces, addressing the Darbaris of Kumaun, said:—“I will now refer to a few matters which are of interest to the inhabitants of Kumaun. In the first place it has been represented to me that the time has come when the course of appeal in the civil courts should be assimilated in Kumaun to that in force in the rest of the province, and that, for the purpose of the administration of civil justice, Kumaun should be brought under the jurisdiction of the North-Western Provinces High Court. I sympathize with this representation, and the question of the arrangements to be

[Mr. Mukandi Lal.]

made both with this object and also with that of relieving the Commissioner of Kumaun of the duties of Sessions Judge and of appointing a District and Sessions Judge for Kumaun is under consideration." Since then, in 1922, Mr. Justice Stuart also made an inquiry, and he came to the conclusion, I understand, that it is high time that Kumaun be brought under the High Court. Since then nothing has been done. Now, Sir, I submit that the time has come when the Government ought to give effect to this resolution immediately.

Now various arguments will be put forth on behalf of Government on economic and financial grounds. Government will probably say that this would require the appointment of new munsifs in the Kumaun division; that is to say, if they were to have one munsif in each division of the district, there would have to be half a dozen munsifs. Firstly, I submit that on economic and financial grounds you cannot deny justice to us. If that is the principle by which this Government is going to be guided, I am afraid Government will have to shut many of its offices; they will have to reduce the number of judges of the High Court; they will have to reduce the Secretariat. But that is not a consideration which appeals to the Government. Of course these considerations can be hurled at our heads when we want certain popular reforms for the benefit of the people to be carried out. But I submit that no extra expenditure is involved in this, as I will explain. I want you, Sir, and the Council to understand that if this reform is introduced in Kumaun by the present Government, they will practically have not to spend a farthing more. Take for instance the case of Garhwal. At present there are three deputy collectors in Garhwal; one additional deputy collector is deputed to do arrears of work now and then. I submit it is not necessary to send an additional deputy collector there to do the work. If you send a munsif with headquarters at Pauri, he will go to the three subdivisions by rotation and do the work. He can do the work thus very easily and well. Similarly, in Almora one munsif will be able to do the work of the district by going to the sub-divisions by rotation. Similarly, this can be done in Naini Tal. Therefore there will be no additional cost. True, if there is anybody to lose, perhaps it is we the lawyers of Kumaun who will lose; perhaps the clients in some respects will have to pay more for the better administration of justice a little more than at present; and the administration of justice will be a little more expensive, because, I understand, the rigid rules of the High Court will then be introduced into Kumaun also. The people of Kumaun are prepared for this additional expense.

We do not mean to say that the deputy commissioners and deputy collectors who are administering justice at present in Kumaun are unfair. But the whole thing is this, that the people have got the belief and think that it is the High Court alone that can do justice. They think that a district judge, who has nothing to do with the politics or administration of the district, alone can administer pure justice. They seem to have more confidence in judges who have nothing to do with the administrative work of the district. They have got supreme faith in the High Court. It is, therefore, for this reason that the people of Kumaun will welcome this reform, even if they have got to pay something more in the shape of court-fees and stamps.

Then comes the question whether or not the time has come for this reform to be introduced into Kumaun. As I have pointed out, there may have been reasons, administrative or political, at the time when Kumaun was kept out of the actual jurisdiction of the High Court. But none of those reasons exist now. You will be surprised to hear that educationally Kumaun is the most literate division in the whole of the province, because according to the census of 1911 there were 117 literate persons for every 1,000 in Kumaun, whereas in the whole province there were only 49 literate persons for every 1,000. According to the last census (1921) in Garhwal alone there were 124 literate persons there for every 1,000, whereas in the whole province there were 65 per thousand. If you take into consideration other aspects, you will find that in Kumaun there are over 500 graduates. In every Government office or branch of administration you will find Kumaun people—from judges right down to deputy collectors and soldiers. You know Kumaun has the finest soldiers. Therefore, Sir, there is no justification to keep Kumaun out of the civil jurisdiction of the Allahabad High Court.

There is one other question. At the time when Kumaun was excluded from the Allahabad High Court there may have been some reason for doing so on account of want of communications. Now, Sir, want of communications is not so great. The Allahabad High Court is more accessible to the people of Kumaun than the Commissioner's court. Therefore on the ground of want of communications alone there is no reason to suppose that the Allahabad High Court will be more inaccessible.

Now I come to the point which is touched in the amendments which are to be moved later on. The amendment of my friend, Lala Mathura Prasad Mehrotra, for instance, will not be acceptable to me on this ground, that he wants me to agree to the affiliation of Kumaun to the Chief Court at Lucknow instead of going over to the Allahabad High Court. The Chief Court at Lucknow at present is in the making; it is not yet an accomplished fact. Besides, this House has not got the power to annul the Charter of the High Court according to which theoretically and potentially Kumaun is under the jurisdiction of the High Court. Until and unless that Charter is amended no legislation can be passed by this House in regard to that matter, as it will be ineffective and is beyond its power. What we are craving for at present is that we should come under that administration of civil justice which is at present symbolized by the Allahabad High Court. If the Government accepts our resolution, if the Government is prepared to bring the administration of civil justice in Kumaun into conformity with that prevailing in the rest of the province, then it is for the people of Kumaun to see whether it would be advantageous for them to get themselves affiliated to the Allahabad High Court or to the Chief Court at Lucknow. But as it is, we are not prepared to change one Commissioner for a Judicial Commissioner. The terms of the resolution are :—

“That this Council recommends to the Government that they take immediate steps to bring the administration of civil justice in Kumaun into conformity with that prevailing in the rest of the province.”

I commend this resolution, Sir, to the Council and I hope it will be accepted unanimously,

Mr. O. M. King : [During this speech the Hon'ble the President resumed the Chair.] I have been asked to speak on the legal aspects of the proposal to extend the jurisdiction of the Allahabad High Court to Kumaun. The present position, as I understand it, is as follows :—Under the Letters Patent or the Royal Charter by which the High Court at Allahabad was constituted, civil as well as criminal jurisdiction was given to that High Court over Kumaun. Under the Charter it has civil jurisdiction over the whole of the North-Western Provinces, and Kumaun is included in the North-Western Provinces. Therefore the High Court has civil jurisdiction over Kumaun. But its jurisdiction in civil matters is barred by the fact that rules have to be made under section 6 of the Scheduled Districts Act appointing the Commissioner of Kumaun as the High Court. The rules to which I refer are in Chapters III and IV of the Kumaun Rules. Under Rule 11 the High Court of Allahabad is declared to be the High Court for Kumaun only for certain purposes, as the honourable mover has remarked, i. e., only for the purposes of the Indian Succession Act, the Indian Companies Act and the Indian Railways Act. For practically all other purposes the Commissioner is the High Court for Kumaun so far as civil jurisdiction is concerned, and for that reason the civil jurisdiction of the High Court over Kumaun can only be said to be potential, but not actual. It cannot be exercised. Now, if it is desired to extend the civil jurisdiction of the High Court so as to make it operative over Kumaun, all that will be legally necessary will be to cancel these rules so far as they bar the civil jurisdiction of the High Court; that is to say, it will be necessary to cancel the whole of Chapter III so far as it applies to civil courts and the whole of Chapter IV. This can be done by issuing a notification under the Scheduled Districts Act. If this is done, the civil jurisdiction of the High Court would automatically become operative over Kumaun.

Now one very important consequence would follow from this extension of the operative civil jurisdiction of the High Court, and that is, that the Bengal, Agra and Assam Civil Courts Act of 1887 would come into force in Kumaun. That Act extends to the whole of the North-Western Province (that is, the Province of Agra), excepting those portions which are not subject to the ordinary civil jurisdiction of the High Court. So at present Kumaun is not under that Act. As soon as the civil jurisdiction of High Court is extended over Kumaun, that Act will automatically extend to Kumaun. Under section 37 of that Act civil courts are required to decide cases of succession, marriage, adoption and so forth by the ordinary rules of Hindu law where the parties are Hindus or by the rules of Muhammadan law where the parties are Muhammadans. No force is given to local customs. Now Government in considering this question came to the conclusion that it would be objectionable to apply the ordinary rules of Hindu or Muhammadan law in Kumaun without any recognition of local customs. It is probable that the people of Kumaun would themselves dislike having their old customs disregarded, and no doubt the honourable member will speak on this point. Anyhow, to meet this difficulty it was proposed to take advantage of sections 5 and 5A of the Scheduled Districts Act. These sections empower the Local Government to extend to Kumaun the provisions of any enactment in force in any part of British India. It is proposed under sections 5 and 5A

of the Scheduled Districts Act to apply the provisions of sections 3 and 4 of the Oudh Laws Act of 1876 with the necessary notifications. Those sections of the Oudh Laws Act recognize the validity of local customs. So by this means the validity of local customs would be maintained in Kumaun, as at present, and there would be no change in the administration of law in respect of such cases as marriage, succession, and so forth.

Now, the High Court might feel some difficulty in administering the customary law owing to the fact that those customs so far have not been codified. That was one of the difficulties which lay in the way of giving effect to this resolution many years ago. A certain officer, Mr. Panna Lal, was put on special duty some years ago to make inquiries as to the local customs and the results of his inquiries have been published in the form of a manual or official digest of Kumaun customs. Also we have a volume of Kumaun rulings for civil courts edited by Mr. Stowell, I.C.S. These publications are of assistance to all courts which have to ascertain and apply Kumaun customs, but they are probably not exhaustive. The present civil courts of Kumaun have at least this advantage that cases are argued before them by pleaders well acquainted with local customs. But if appeals are heard by the High Court instead of by the commissioner, even though there may be legal practitioners in Kumaun who are authorized to appear before the High Court, it is probable that they will frequently be deterred by the length and expense of the journey to Allahabad. So the cases would generally be argued before the High Court by the regular pleaders of the High Court who are not personally acquainted with local customs in Kumaun and would only be acting on written instructions. To this extent therefore the Allahabad High Court would be at a disadvantage, as compared with courts sitting in Kumaun, in deciding questions of local custom. It is not for me to raise objections to this proposal to extend the civil jurisdiction of the High Court over Kumaun, I merely wish to point out one of the difficulties which have to be faced.

Then we may consider the personnel of the civil courts. At present, as the honourable mover has said, the revenue officers exercise the powers of the civil courts. The deputy commissioner takes the place of the district judge, the assistant collector takes the place of the subordinate judge or munsif and the tahsildar has the powers of a judge of a Small Cause Court. If the civil jurisdiction of the High Court is extended to Kumaun, as proposed, it would not necessarily follow that the personnel of the subordinate civil courts would be changed. It would be open to Government either to appoint officers from the regular judicial cadre as subordinate judges, munsifs and district judges, as in the rest of the provinces, or, if the Government thought fit, they could, by making use of section 6 of the Scheduled Districts Act read with section 36 of the Civil Courts Act, give the powers of civil courts to the revenue officers of Kumaun as at present. For instance, they could prescribe that a deputy commissioner should have the powers of a district judge, an assistant collector of the first class the powers of a subordinate judge, and an assistant collector of the second class the powers of a munsif. This is a question which the Government will doubtless consider from the point

[Mr. C. M. King.]

of view of administrative convenience and efficiency and also from the point of view of comparative expenditure. I merely point out that it would be open to Government to adopt either course, even if the civil jurisdiction of the High Court were extended to Kumaun.

As regards the amendment that has been proposed to put Kumaun, not under the civil jurisdiction of the Allahabad High Court but under the Chief Court of Oudh, I think it is only necessary to say what the honourable mover has himself said, namely, that you cannot give effect to such a resolution without amending the Royal Charter by which the Allahabad High Court was constituted. Probably the Allahabad High Court itself would object to any curtailment of its jurisdiction. For many years it has exercised criminal jurisdiction over Kumaon; also it exercises civil jurisdiction for certain purposes, as I have pointed out. Even in other cases (I omitted to mention this before) the High Court can be asked for its opinion on final decrees of the commissioner. The Government can refer the final decrees to the High Court, and this is frequently done when doubtful questions of law arise. In such cases the High Court expresses its opinion, and of course the case is decided accordingly and the commissioner's final decree is amended, if necessary. The High Court having had so much to do with Kumaun is not likely to accept willingly such a curtailment of the jurisdiction which has been conferred upon it by its Charter and which it has at least partially exercised for many years. In any case the Charter itself will have to be amended. So obviously the suggestion would be attended with* very grave difficulties.

I think there is nothing more to say except that the honourable mover seemed to suggest that this Council had no power to legislate for Kumaun. I do not know how he got that idea. This Legislative Council has power to legislate for the whole of the United Provinces and certainly it could legislate for Kumaun.

Pandit Govind Ballabh Pant: The honourable member for Garhwal has just moved his resolution. In this connection, so far as the history of the question is concerned, he has given a very clear statement beginning from very ancient times. The narrative is given, in the different gazetteers dealing with the Kumaun division, as to the judicial administration as it has been carried on from the year 1815 onwards. At present the position is as stated by Mr. King, and he has correctly stated the present procedure. We have the tahsildars dealing with cases of a civil nature that are governed by the Small Cause Courts Act up to Rs. 100. Cases above that and up to Rs. 500 are done by assistant collectors, second class, cases above that and up to Rs. 5,000 by the assistant collector, first class, and cases above that by the deputy commissioner. Appeals from tahsildars and assistant collectors lie to the deputy commissioners, and the first and second appeals from the deputy commissioners to the commissioner, who tries them in his capacity as judge of the High Court of Kumaun. It may be stated that the Allahabad High Court even at present has civil jurisdiction over Kumaun, inasmuch as civil matters are referred to the High Court for decision, but the fact is that a litigant, instead of having the right to approach the High Court directly, has to apply first to the Local Government, who, if satisfied, may refer such points as they choose to the Hon'ble

High Court for decision. On the very face of it, such a practice is an anachronism at the present day. Personally, I have no complaint against the present system, as I am very closely connected with the High Court of Kumaun and have often appeared before it. So far as, therefore, the lawyers are concerned, they do not stand to gain by this change. It is only on principle that we consider that the present system needs change in the manner indicated in the resolution. We all know that the people of Oudh made a grievance of the fact, and I think rightly, that their appeals up to Rs. 500 are heard only by a single judge, and that cases of higher denomination are not dealt with in the manner in which they are done in the Allahabad High Court. That is the reason why they have sought the substitution of the Chief Court for the present Judicial Commissioner's Court. We further know that, under the Bengal and Assam Act, munsifs who are possessed of power to try suits up to Rs. 1,000, ordinarily are not given the power to try suits of higher amount until they have put in at least ten years' service. Honourable members will remember that a resolution was moved in this House suggesting that joint magistrates should not be empowered to hear civil appeals until and unless they had some training and experience in civil matters. Now, what is the position in Kumaun? It is simply intolerable. Here the commissioner, who has probably never done any civil work prior to his appointment as such, has to deal with civil cases. Similar is the case of the deputy commissioners. They too have never had an opportunity of dealing with civil cases outside Kumaun. Exactly the same is the condition of the deputy collectors who serve in Kumaun. Being inexperienced, they are bound to find difficulty in the disposal of civil cases. As I have said before, I have no complaint to make against any of these officers individually. They have been always courteous and indulgent to me. I know they do their best. But there are inherent defects in the present system which I submit are beyond their power to remove. Having never received any training in civil law, even though their conclusions be sound, they feel nervous at times, and if they do not, it is perhaps because they think that the duties which they have to perform are of such a character that they can safely deal with everything that comes before them. Under these circumstances I submit that the change that is proposed is such as is absolutely essential. The Government accepted it in principle long ago. The Greeven Committee accepted it too, and so I believe the Secretary of State for India. As a result, the posts of district judge and subordinate judge were created in Kumaun, and although they have continued for the last ten years, the officers are not yet allowed to deal with civil cases in Kumaun. We only want them to deal with what they were expected to do and nothing more. I think it is not necessary to issue a notification under the Scheduled Districts Act in respect of section 37 of the Bengal, Agra and Assam Act. The Hindu law authorizes a person to be dealt with in accordance with the custom which is part of the law.

We know of course that in various parts of the province marriages have been performed which are not strictly in consonance with Hindu law and members of several communities are allowed to inherit property, to establish and assert their legitimacy, if they can establish the custom. Cases go to the High Court and these are admitted. It is not necessary for me to enter into any controversy on that point. Here we

[Pandit Govind Ballabh Pant.]

have the advantage of being a backward and non-regulation tract, and if the Government have the kindness and it can find out the leisure to jot down two lines that section 37 is extended to Kumaun under section 5A of the Scheduled Districts Act, the whole difficulty is solved. I hope the Hon'ble Home Member, if he is so inclined, will be kind enough to find out that much of time for us.

Now as to the original courts, I submit that it would be necessary to establish courts of munsifs, for unless regular civil courts are established the new order will be a very clumsy one and at the same time a very anomalous one. There will be in a way a square peg in a round hole, and every day there will be criticisms by the appellate courts that are trained in technicalities as well as in the laws when the original trials are held by the courts as they are done today. I submit that it is in the original courts that the main difficulty lies today. Their hands are full; cases are postponed from day to-day; witnesses come from long distances, and the cases are not disposed of. I think the Hon'ble Mr. Fasih-ud-din will bear me out as he has the experience of original courts and perhaps Mr. Peters knows that the difficulty is mostly in the original courts and not as serious as in appellate courts. He does not agree with me. That may not be the case in Almora; it is the case in Naini Tal. Whatever be his opinion, I submit that it is necessarily so. I can assure the Council that the Government can do it without any extra cost. There is at present one extra deputy collector in every district in Kumaun. He is deputed now to one part of the district and now to another to dispose of arrears of work that are pending there. It will not be necessary to depute any deputy collector like that, and it will be possible to withdraw three deputy collectors from these tracts. At present the number of cases in Kumaun roughly comes to about 2,000 in every district. Of these, more than two-thirds of cases are of a valuation not exceeding Rs. 100, and the number of cases that are actually contested does not exceed 300 in any district, and that includes almost all cases of various values up to the highest. So I think that the subordinate judge and the munsif will be able to dispose of all the work. I would not mind it if the assistant collectors and tahsildars are allowed to dispose of cases of a Small Cause Court nature of which the value does not exceed Rs. 100, as they are doing at present; and if they are allowed to do so there will be only 500 cases which will remain for the civil courts in the various districts. I have got the statistic with me in full and I do not consider it necessary to encroach upon the time of the Council further in this connection, as, after all, the question is of a local character only.

I may state here that it is too much to say that the High Court is not fit to deal with the question of customs of Kumaun or that it will feel special difficulty in doing so. What, after all, are the greater qualifications of a gentleman who is appointed an assistant collector or a deputy commissioner or a commissioner in Kumaun at the time of his appointment? Is he acquainted with the customs of the people? We expect the Hon'ble High Court, even if it has the lesser element of Indian Civil Service, will not be found wanting in understanding. So I submit that there has been too much of caution in the matter and there should be no further difficulty. Mr. Stowell has prepared his digest of rulings.

We have his Manual of Land Tenure. He had, I understand, also prepared a draft Bill which must be in the archives of the Government Secretariat. After that Mr. Panna Lal held an inquiry for which a sum of Rs. 15,000 was spent and he prepared a compendium of local customs which includes many curious and preposterous things which find place in his book and nowhere else. There should be no difficulty in having one or even ten more compendiums if the Government chooses to waste money over such useless, vain and costly efforts. I think that there is no need for nervousness. It is a very simple affair. A custom can be proved or disproved in the same manner as any other question in issue. Now, I would request you to permit me to move the last part of my resolution as an amendment to Mr. Mukandi Lal's resolution, that is, that the full-stop be deleted and the words "to establish regular civil courts in Kumaun" be added. This amended resolution will have exactly the same meaning that my resolution has. There will be no difference between the two.

The Hon'ble Mr. S. P. O'Donnell : I rise to a point of order. The amendment is outside the scope of the resolution, and as no notice has been given it is out of order.

The Hon'ble the President : The motion before us is the original resolution that has been moved. It is open to the honourable member to move an amendment, provided of course that it is within the scope of the resolution and is otherwise relevant. An amendment is subject to all the conditions to which the resolution is subject. It is open to him to move an amendment, but it is also open to the Council or to any member of it to object to an amendment of which no notice has been given. In this case no notice of such amendment has been given and the Government object to the moving of the amendment. That is an objection that I uphold. As for the honourable member's resolution, which is shown in italics in the List of Business, it cannot be moved at all; it has not got a place in the ballot and only a balloted resolution can be moved. The probability is—I am not quite certain that Pandit Govind Ballabh Pant has obtained a place in the ballot for some other resolution—

Pandit Govind Ballabh Pant : Yes, Sir, I have.

The Hon'ble the President : In that case it is obvious that the honourable member is anxious to move two resolutions, having balloted for only one. I may also point out that, unless we can reach resolution No. 4, in which I understand the Council is very much interested, it will be lost altogether. Unless we bring the discussion on this (No. 2) to a close and dispose of No. 3, we cannot reach No. 4, in which case according to the Standing Orders, it cannot be continued tomorrow and the opportunity will be lost.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I accept the resolution in principle. There is no difficulty in my doing so, because the Government have committed themselves to this reform. But I do not wish to keep the Council under any misapprehension with regard to the details of this scheme, as the codification of the customs and other necessary arrangements for the removal of these Kumaun districts from the Scheduled Districts Act will entail very heavy work. I therefore submit to the Council that my acceptance of this resolution may

[The Hon'ble Raja Sir Muhammad Ali Muhammad Khan.]

not be taken to mean that I shall take immediate steps. I shall be quite prepared to bring an item in the budget as soon as the whole scheme is completed. I may not be able to do so next year, but I will leave it to my successor to bring a motion before this Council for the establishment of civil courts in the Kumaun division.

Mr. Mukandi Lal : In view of the fact that there is a very important resolution coming up, in which all of us are interested, and in view of the fact that my resolution has practically been accepted by the Government, I will conclude after saying a few words only. In the first place, I do not see why it should take such a long time as one year for the Government to work out the scheme. This question was practically decided so long ago as 1911, and I pointed out in my first speech that there are already some members of the present Government even of the same opinion as I am at present that Kumaun should not remain only potentially under the High Court but should come actually under the jurisdiction of the High Court. Secondly, I wish to point out that the bogey of the necessity of having a Kumaun Code is only a bug-bear. So far as I understand, there are no particular laws or customs which are in any way different from the laws and customs obtaining in the rest of the province. There is a small book called "The Kumaun Customs Manual" prepared by Mr. Stowell, which, I think, is quite enough to decide any case in Kumaun, and this is a book that has been used by the courts in Kumaun and even the High Court for the last twelve years. Then comes the question of Mr. Panra Lal's book. I think that the Government merely wasted money, if anything like Rs. 15,000 was spent on this little book, which, among many absurd imaginary customs, gives twelve forms of marriages in Kumaun, out of which only two forms are recognized forms, and the others are merely imaginary which seem to have emanated from his brain or from the songs he might have heard in the villages, but they are certainly not the marriage customs in Kumaun. Therefore, Sir, if the Government were to launch another inquiry, there would be produced another book like Mr. Panra Lal's. I personally think that there is absolutely no necessity for any more inquiry. Whatever Mr. Stowell has written in his book, or has submitted in a Bill form, should be quite enough for conducting the Kumaun cases. Therefore this reform ought not to take as long a time as the Government thinks it will. I hope the Hon'ble the Home Member, instead of leaving it to his successor, will provide the necessary funds in the coming budget for the application of Kumaun to the High Court of Allahabad.

As to the last point mentioned by Mr. King, I think it was a misunderstanding. I never meant that this Council had no power to legislate for Kumaun. If it had not such power, I would not have moved this resolution. What I mean is, that there are many notifications and orders that are passed by the executive over the head of this Legislature which have the force of law in Kumaun, as, for instance, the water rules, *nayabad* rules, etc., which are possible only so long as Kumaun remains a scheduled division as it is at present. It is for this reason that I wish the Council to extend its full power and jurisdiction over Kumaun also, as it has over other parts of the province.

The resolution was put and adopted.

RESOLUTION *re* DIFFERENTIAL TREATMENT OF
PRISONERS.

The following resolution standing in the name of Pandit Bhagwat Narayan Bhargava was withdrawn :—

“ That this Council recommends to the Government to remove the distinctions in diet, dress and cost per head of Indian prisoners and those of European and Anglo-Indian prisoners and to give equal facilities in all jail treatment to prisoners of all races and communities.”

RESOLUTION *re* REMEDIAL MEASURES FOR DAMAGE
CAUSED BY FLOODS.

Thakur Sadho Singh : I rise to move—

That this Council recommends to the Government to adopt effective and adequate measures in close co-operation with the members of this Council, and other public men, in every district for relief of distress in flood-stricken areas, and among other things—

- (a) to remit the land revenue for the year in respect of those parts where the crops have been damaged ;
- (b) to remit the revenue for the remainder of the term of settlement in respect of land rendered unculturable by the floods ;
- (c) to grant *tagavi* loans liberally ;
- (d) to make free grants of money for provision of cattle and grain, housing and other requirements to agriculturists who have been rendered destitute by the floods and are not possessed of sufficient means of recuperation ; and
- (e) to appoint a committee of the Council to co-ordinate and regulate relief operations.

The Government has very kindly supplied us with a good deal of information about all the districts affected by the floods. All of us already know the unprecedented extent of the havoc caused by the floods in so many districts of these provinces. The Government, too, has been kind enough to make large grants of money for *tagavi* and direct relief to all the districts. Still the extent of the distress and some other details about it call for the urgent attention of this Council.

First of all, I think it necessary that the land revenue for the whole year should be remitted in the villages where crops have been substantially damaged. The existing circulars of the Board do not provide for this sort of relief, but the damage to crops has been very severe. Ordinarily the estimate of damage is not exact, nor from the very nature of its extent can it be checked fully by responsible officials. At the same time most of the tenants in the affected villages have lost their houses, their property, and many other things. In many places they have become practically destitute. In spite of all the relief measures, they are in a very distressed condition. I would appeal on behalf of these people to the Government and to the zamindars also to take this memorable opportunity of relieving distress as far as possible by remitting the whole of the revenue and rent for this year.

I need not say much about (b).

As for *tagavi*, the figures do indicate that large sums have been allotted by the Government. But if details are worked out and the actual state of things is seen, it will be found that the average amount per cultivator does not amount even to the average sum which is paid to

[Thakur Sadho Singh.]

them in times of scarcity or famine. I hope the Hon'ble the Finance Member will kindly see that the work of reconstruction is done on solid lines and not in an incomplete manner. As for the persons who have lost their houses, cattle and other agricultural requirements, even though large sums have been allotted for those people, I would suggest that an average standard should be fixed according to which they should be paid.

The Government would naturally feel that in this way money will be spent too lavishly, but as for *tagavi* they need not fear so much. Although it is being distributed free of interest, only helpless people will take it, having seen every year instances of the humiliations and economic losses of the people during collections of *tagavi*. And as for free grants of money, even many people who are practically destitute are not willing to accept it, and it is only after moral persuasion that this remedy can be sufficiently effective. I would further suggest that, as was being done previously, a Commissioner of Famine was appointed for the whole province in cases of famines, a committee of officials and non-officials of this Council may be appointed to regulate relief operations and to see, if necessary on the spot, that this work of reconstruction is being done sufficiently, and at the same time I would draw the attention of the Hon'ble the Finance Member to see that proper representation is given to representative men of local experience in determining the nature and extent of the relief and its distribution, because they have an inherent right to take an active part, not only at the sweet will of the District Officer or anybody else, but as a definite right, to help their fellow brethren in their distress as a matter of right and not merely one of sufferance. And in that way they will be able, I believe, to minimize the chances of corruption and temptation which may occur in so many money transactions. As for my own district, I should say that I do not want to bring in any controversial points about it. I would rather submit the case of my own district to the Hon'ble the Finance Member privately and assure him by details that both the money allotted for *tagavi* and for relief is very deficient in view of the circumstances prevailing there.

With these words I would commend the resolution to the favourable consideration of the House.

Chaudhri Badan Singh: I rise to support the resolution moved by Thakur Sadho Singh because I represent the Budaun district, the district that has suffered the most in comparison with other districts of the province, and I myself have suffered severely. The Budaun district was attacked on the 29th of September by the Ganges flood and it reached on the eastern extremity on the 3rd of October. I say without any exaggeration—and I have got this book of procedure which was found washed away three miles off from my village, and I had borrowed three other books from the library which also have been carried away by the water right to the Bay of Bengal—my whole village has become a great heap of bricks and mud and in the whole *khadar* ~~खदर~~ there is not a single house or hut visible. Sir, it was a fearful time when at midnight people were heard shouting for help—people who had been lingering on the branches of the trees for days and had no food or sleep, and when even expert swimmers could hardly

venture to rescue them. Though I have put several questions in the last Council against the District Magistrate, I assert that this time he rendered meritorious service in rescuing the people. He went into the water in a boat and saved several lives from drowning at the risk of his own life—I hope the Chief Secretary will make a note of it. The *tagavi* that has been distributed in the district has in comparison with other districts been liberal, but it is only like a drop in the ocean and by a few distributions of *tagavi* we cannot re-establish the people in their homes. I would like to offer some suggestion for the favourable consideration of this House. Sir, the tahsil Gunnaur that has suffered the most was totally cut off from the headquarters. The *kachcha* road which runs from Sahaswan to Gunnaur was totally blocked. The Minister of Education and the Minister of Agriculture have also been on the spot and they have exchanged views with the local representatives. Sir, if this road which runs from Sahaswan to Gunnaur were metalled we would not be put to such great trouble. The district board has already resolved to metal this road, but on account of scarcity of funds it could not start the work. So, I request the Hon'ble Minister for the Public Works department of the Local Self-Government department to make it a provincial road or to grant a loan to the district board of Budaun. This road is of utmost importance, because the town of Anupshahr is only three miles from Gaon, and Anupshahr is on the *pakka* road to Bulandshahr which stands on the Grand Trunk Road. So, if this road is metalled that will be the shortest route from Lucknow to Delhi. Sir, all the other tahsils of Budaun district have got from 15 miles to 60 miles of *pakka* road, respectively, while the tahsil of Gunnaur has only three miles of *pakka* road. The zamindars of the tahsil also pressed for it, but nobody pays heed to metal this road.

My second suggestion is that the railway branch line from Rosa in Shahjahanpur district to Hapur in Meerut district should also be constructed at this time. According to the Gazette of the 16th November, 1923, work was to be started in the year 1924-25. So in the best interests of the flood-stricken people this Council should recommend to the Government of India for the early construction of the line.

My third suggestion is that Budaun district was attacked from the western side after sweeping the whole of the Hassanpur tahsil in the Moradabad district. So there is an urgent need of an embankment from Piprauli to Maraura, and the second embankment built by Swami Hari Baba should also be taken over by Government for repairs and upkeep, because Hari Baba has gone to the Punjab and has been there for the last four or five months, and it is now in a very uncared for condition. About four or five years ago the district board applied to the Government for the construction of this embankment, but the Government paid no heed. After that this Hari Baba collected three lakhs of rupees from local people and constructed this embankment. So as he has gone away now, Government should take charge of this embankment in the best interests of the flood-stricken people and as a precaution against future floods.

With these few remarks I conclude my speech.

Rai Bahadur Babu Vikramajit Singh: Sir, with your permission, I would like to move an amendment to the resolution which is before the House. I wish that clause (e) be deleted.

(Permission to move the amendment was given.)

My reason for moving this amendment is that we have got a Central Relief Committee, which is also called the Provincial Relief Committee, formed under the Chairmanship of the Hon'ble the Chief Justice at Allahabad. We have also got in all the districts local committees on which non-officials as well as officials are represented. I know specially about Cawnpore where we find that on the committee there is the District Magistrate and there are also non-official members on it, and therefore I think it unnecessary to have another committee appointed on which it is said that the members of the Council and others will co-operate. It may become a very impracticable thing to have other committees appointed on which members of the Council are represented. I do not think whether such committees will be able to co-ordinate and regulate relief for all the districts or whether separate committees of the nature intended would be of any use in each district. Sir, it seems to me superfluous to have either another Provincial Committee or other district committees, because as far as I am aware members of the Council are represented on local committees and many of them are also on the Provincial Committee. The Provincial Committee was formed in a public meeting where every member of the public had a right to move a resolution, and those who wanted to add names they had a right to put forward their own motions and they were given permission to make any addition or alteration that they wanted. Therefore it appears to me unnecessary to retain clause (e).

With your permission, I want to make one further amendment which is an addition of my clause (c) to this motion. That is this:—

“To make arrangements for all districts situated on the banks of rivers to keep at least one steam-boat or motor-boat to help in saving the lives of men on such unfortunate occasions.”

(Permission to move this amendment was given.)

I beg to move that the words “to make arrangements for all districts situated on the banks of rivers to keep at least one steam-boat or motor-boat to help in saving the lives of men on such unfortunate occasions” be added at the end of the amended resolution. My reason for bringing forward this amendment is that in Cawnpore many lives were lost because there were no steam-boats or motor-boats to help the people. In Cawnpore there are two bridges and the current there is very strong. People could see that men from the villages were floating either on chappars or on the river and they wanted help, but it was impossible to give them any assistance and either their lives were lost near the bridge or somewhere further down the river. Therefore it would be very reasonable if the Government could make arrangements to have at least one motor-boat or steam-boat in all the places that are on the banks of the river. Of course there is no knowing when there would be a flood and the area on the banks of the river would be flooded. This precaution, if taken, may on such unfortunate occasions save many lives.

It might be said as to how these motor-boats or steam-boats are to be maintained. I think either the district boards could make arrangements or some other local body could maintain them. I think some

income can also be derived from these boats by plying on hire when they are not wanted for the object for which they are interned.

With reference to this amended resolution I may be permitted to say a few words. We are obliged to the Government for giving us a detailed statement showing what relief has so far been given to the various areas affected. Although a good deal has been done by the Government, as would appear from the statement, I may say that there is still scope for giving further assistance. On an examination of the assistance that has been given to Cawnpore, it would appear that, although 15,000 men have been relieved, yet, if the total amount of relief which has been given either by the local committee or by the Government is taken into account, the amount of relief per head will come to Rs. 4 only, if the figures given are correct. I think this should be considered rather an inadequate assistance to the sufferers of Cawnpore. The free grant given to Cawnpore is only Rs. 500 and the *tagavi* Rs. 18,637, while the people themselves have collected Rs. 43,000. That is to say, the assistance given by the public is on a more liberal and generous scale than the one contributed by the Government. The same may be the condition in other places affected by the floods. As regards the remission of revenue, I would submit that this should be made on a more liberal scale than at present, because the disaster on account of the floods has been considerable, and the relief afforded is not at all compatible with it. In Cawnpore I find that Rs. 6,065 has been remitted, while no revenue has been suspended. Considering that no less than 27 villages were affected, I should think that the remission of revenue is not at all adequate. There is a great need of making free grants of money for the purchase of cattle and seed and the re-construction of houses. The public of Cawnpore have done all they could, for which credit is due to the commercial community and to the volunteers, who were the first to go to the flood-stricken areas and rendered such assistance as they could. With these words I support the resolution as amended by me, and hope that it will be acceptable to the House.

Babu Bindeshwari Prasad : From the statement that was laid on the table I find that my district Gonda has been entirely overlooked. I do not think that places which have been flooded by the Ganges should only be entitled to notice from the Government, but to my mind every place, whether affected by the Ganges, Ramganga or Ghagra, should receive the same attention from the Government as the areas affected by the Ganges. Gonda district is unfortunately overrun for the most part by the Ghagra, which is indeed the most boisterous river in the province. We have had in Gonda three consecutive floods by the Ghagra, and since 1922 every year the greater part of the Tarabganj tahsil, through which it passes, is flooded. This year there were any number of floods in the river Ghagra, and I believe the Hon'ble the Minister for Education, whose district too borders on that river, must also have suffered from them. At least in the Tarabganj tahsil I know there has been a very heavy disaster on account of the floods, and I hope the Government will do its best to alleviate the distress of the people there to the same extent that it has done or is proposing to do in the case of those who have been affected by the Ganges.

The Council was here adjourned to the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Wednesday, the 17th December, 1924.

The Council met in the Council Chamber, Lucknow, at 11 a.m.
The Hon'ble the President in the Chair.

PRESENT :

The Hon'ble Mr. S. P. O'Donnell,
The Hon'ble Raja Sir Muhammad Ali
Muhammad Khan, Khan Bahadur.
The Hon'ble Lieut. Nawab Muhammad
Ahmad Sa'id Khan.
The Hon'ble Bai Rajeshwar Bali.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. A. O. Verrières.
Mr. C. E. D. Peters.
Mr. J. R. W. Bennett.
Mr. S. H. Fremantle.
Mr. R. Burn.
Mr. W. S. Cassels.
Mr. C. M. King.
Mr. F. F. R. Channer.
Mr. A. D. Ashdown.
Colonel A. W. R. Oochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad E'jaz Rasul Khan.
Raja Bahadur Brij Narayan Rai.
Mr. H. David.
Babu Khem Chand.
Babu Narayan Prasad Arora.
Babu Sangam Lal.
Babu Mohan Lal Saksena.
Babu Damodar Das.
Rai Bahadur Lala Sita Ram.
Babu Bhagwati Sahai Bedar.
Thakur Manjit Singh Rathor.
Rai Jagdish Prasad Sahib.
Chaudhri Jaswant Singh.
Pandit Nanak Chand.
Lala Babu Lal.
Thakur Shib Narayan Singh.
Rai Bahadur Babu Ram Nath Bhargava.
Rai Amba Prasad Sahib.
Rai Bahadur Pandit Kharagjit Misra.
Lala Dhakan Lal.
Babu Nemi Saran.
Chaudhri Badan Singh.
Chaudhri Sardar Singh.
Thakur Sadho Singh.
Pandit Brijnandan Prasad Misra.
Pandit Bhagwat Narayan Bhargava.
Pandit Jhanni Lal Pande.
Lieut. Raja Durga Narayan Singh.

Lieut. Raja Bahadur Hukm Tej Pratap
Singh.
Pandit Sri Krishna Dutt Paliwal.
Babu Parsidh Narayan Anad.
Pandit Yajna Narayan Upadhya.
Raja Sri Krishna Dutt Dube.
Babu Dip Narayan Roy.
Thakur Hanuman Singh.
Pandit Govind Ballabh Pant.
Pandit Hargovind Pant.
Mr. Mukandi Lal.
Babu Ram Chandra Sinha.
Dr. Jaikaran Nath Misra.
Kunwar Rajendra Singh.
Rai Bahadur Thakur Mashal Singh.
Babu Sita Ram.
Babu Bindeshwari Prasad.
Thakur Hukum Singh.
Kunwar Surendra Pratap Sahi.
Rai Bahadur Babu Shankar Dayal.
Dr. Muhammad Naim Ansari.
Mr. Muhammad Aslam Saifi.
Maulvi Zahur-ud-din.
Rao Abdul Hameed Khan.
Maulvi Shahab-ud-din.
Lieut. Nawab Jamshed Ali Khan.
Nawabzada Muhammad E'jaz Ali Khan.
Khan Bahadur Chaudhri Amir Hasan
Khan.
Maulvi Obaid-ul-Rahman Khan.
Hafiz Hidayat Hussain.
Mr. Masud-uz-Zaman.
Maulvi Abdul Hakim.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Mr. Ashiq Husain Mirza.
Khan Sahib Munshi Siddiq Ahmad.
Qazi Habib Ashraf.
Khan Bahadur Chaudhri Muhammad
Rashid-ud-din Ashraf.
Shaikh Abdus Samad Ansari.
Mr. St. George H. S. Jackson.
Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Shaikh Imtiaz Rasul Khan.
Raja Jagannath Bakhsh Singh.
Rai Bahadur Babu Vikramajit Singh.
Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

EDUCATIONAL QUALIFICATIONS OF SUB-REGISTRARS.

*1. **Rai Bahadur Thakur Mashal Singh** : Will the Government be pleased to state what educational qualifications are required for the post of a sub-registrar ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to rule 29 of the Registration Manual as corrected by notification No. 109/Regn.—53-1924, dated the 13th August, 1924.

*2. **Rai Bahadur Thakur Mashal Singh** : How many Sub-Registrars are educationally qualified and how many unqualified ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : All the sub-registrars possess sufficient educational qualifications to discharge their duties, but the number of sub-registrars who possess the prescribed educational qualifications is 118 out of a total of 189.

*3. **Rai Bahadur Thakur Mashal Singh** : Will the Government be pleased to state the reasons of employing unqualified men as sub-registrars when a large number of qualified men are unemployed in the province ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The rules prescribing the educational qualifications were introduced in March, 1921, and most of the candidates who do not possess them were appointed before this date. Since then appointments have been given to three candidates not possessing the prescribed educational qualifications in recognition of distinguished civil and military services rendered by the candidates or their families.

MORADABAD-BANGARMAU ROAD (UNAO).

*4. **Hafiz Hidayat Husain** : Is the Government aware that Moradabad in the Unao district is visited annually by hundreds of pilgrims from all over India during the *urs* (anniversary of death) of Maulana Hazrat Fazl-ur-Rahman Sahib ? Is the Government also aware that the road to Bangarmau from Moradabad is four miles *kachcha* and causes a lot of inconvenience to pilgrims and other visitors ? Will the Government be pleased to take steps to have the road metalled at an early date ?

The Hon'ble Rai Rajeshwar Bali : The answer to the first part of the question is in the affirmative. The road is under the control of Unao district board, not of Government.

REDUCTIONS IN CLERICAL STAFF OF THE POLICE DEPARTMENT.

*6. **Hafiz Hidayat Husain** : How many statistical clerks were employed in the clerical staff of the Police department in these provinces ? How many in each grade and what were their salaries ?

How many of these were brought under reduction and how has the Government dealt with their cases ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The total number of posts of statistical clerk and assistant statistical clerk in the Police department of these provinces was fifty-three. Of this number

eight were on Rs. 60 per mensem, twenty-five on Rs. 45 per mensem and twenty on Rs. 35 per mensem. All these fifty-three posts have been brought under reduction. All statistical clerks who held other permanent appointments in the Police department previous to their appointment as statistical clerks have been given the option of reverting to those appointments provided they are considered fit to hold them. Six statistical clerks have been transferred to the post of assistant clerk, IV class, on Rs. 40 per mensem, one statistical clerk to the post of assistant accountant, IV class, on Rs. 40 per mensem, one statistical clerk to the post of head constable, III grade, on Rs. 25 per mensem, and one statistical clerk to the post of constable, I grade, on Rs. 17 per mensem. Two statistical clerks who were offered transfers to the post of constable have refused the offer. One statistical clerk has been offered a post as assistant clerk, one as assistant record-keeper, eleven as constables and one as a daffri; their replies are awaited. The statistical clerks who do not accept the offers made to them and those to whom it is not possible to offer any post are being discharged on the following terms:—

- (a) Each statistical clerk with less than ten years' service on the 1st of June, 1924 is being granted, under article 426, Civil Service Regulations, as read with article 474 (a), Civil Service Regulations, a compensatory gratuity equal to one month's emoluments for each completed year's service.
- (b) Each statistical clerk with not less than ten years' service on the 1st of June, 1924 is being granted, under article 426, Civil Service Regulations, a compensatory pension according to scale laid down in article 474 (b), Civil Service Regulations.

All statistical clerks who are being discharged were given three months' notice of discharge.

*7. **Hafiz Hidayat Husain** : Will the Government consider the advisability of retiring such employees of other branches in the same department as have completed their services or others who have recently started their services and appointing in their places such clerks as are brought under reduction and who might otherwise be fit to hold these appointments?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government are not prepared to accept the proposal. From the reply given to question No. 6, it will be seen that endeavours have been made to find employment for the clerks whose posts have been brought under reduction; where this has not been possible compensatory gratuities and compensatory pensions have been granted on the scales given in cases of invalidment.

*8. **Hafiz Hidayat Husain** : Will the Government be pleased to consider the cases of clerks who are thus brought under reduction and on equitable basis allow them such compensation for the loss of their posts and further prospects as has lately been done in the case of sergeants likely to be affected by the scheme under which 20 Indian officers will eventually be appointed as Reserve Inspectors in the Government Railway Police?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Sergeants were granted allowances to compensate them for their reduced

prospects of promotion, just as sub-inspectors were compensated when the number of posts of circle inspector was reduced. The same procedure cannot be followed in the case of statistical clerks, as all these posts have been abolished.

*9. **Hafiz Hidayat Husain** : How many despatchers were employed in the office of the Superintendents of Police in these provinces? How many have been brought under reduction, and has the Government paid any gratuity to the persons thus thrown out of employment, or has it found employment for them elsewhere?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The total number of posts of despatcher in the Police department of these provinces was forty-six. Thirty-two posts have been brought under reduction, but actually twenty-two despatchers have been retained in service, the extra eight having been retained to allow for promotion to the rank of assistant record-keeper in the vacancies which will occur in the next two or three years. Twenty-four despatchers have been discharged and have been granted compensatory gratuities and pension on the same scale as granted to statistical clerks, the details of which are given in the reply to question No. 6.

MOSLEM JAILORS.

*10. **Hafiz Hidayat Husain** : Is it a fact that more than twelve Moslem jailors have been forced to resign or retire since the present Inspector-General of Prisons took over charge? Did the Inspector-General of Prisons have any hand in their resignation or retirement? If so, what was the nature of the part taken by the Inspector-General and what are the reasons of that part having been taken?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No. Two Muslim jailors were retired by the Inspector-General of Prisons, one for withholding payment of Government money, and the other in connection with the escape of a prisoner. Both these officials had completed their full service for pension.

RETIREMENTS AND EXTENSIONS IN JAIL DEPARTMENT.

*11. **Hafiz Hidayat Husain** : What are the rules and which is the authority to sanction premature retirements and extension of services in the Jail department?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to the Fundamental Rules.

CIRCLE OFFICER OF BENARES CENTRAL JAIL.

*12. **Hafiz Hidayat Husain** : Is the Government aware that an English clerk drawing Rs. 65 per mensem has been appointed circle officer of Benares Central Jail on a salary of Rs. 140 per mensem?

What is the name of this officer? What special qualifications or recommendations did he possess for this post? Was there no officer in the jailors' cadre fit to fill up the post?

Was there any special reason for giving the clerk more than double of what he was drawing?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : An English clerk named Babu Baldeo Prasad was appointed to officiate for four months as deputy assistant jailor in the Benares Central Prison

on Rs. 140 per mensem. It was not considered desirable to transfer a jailor holding independent charge in a district jail to a subordinate charge in a Central Prison for a short period. The clerk drew the pay of the appointment.

JAILORS AND ASSISTANT JAILORS.

*13. **Hafiz Hidayat Husain** : With reference to my starred Council question No. 255 of the 6th September, 1924, and the reply of the Government thereon, will the Government consider the advisability of retiring jailors who have put in 30 (thirty) years' service before introducing a time-scale for the Jail establishment in the United Provinces ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government see no reason to do so.

*14. **Hafiz Hidayat Husain** : What steps have the Government taken to Indianize the executive staff of the Central Jails of these provinces ? Is it a fact that some Indian members of the staff are being made to retire ? Is it in contemplation to fill up these posts with Europeans or Anglo-Indians ?

How many Indians have been appointed in place of the Europeans and Anglo-Indians in the Central Jails since the present Inspector-General took over charge ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) The question of recruitment for the Jail department is at present under consideration. No Indian members of the staff are being made to retire.

(2) None, as no vacancies have occurred.

*15. **Hafiz Hidayat Husain** : Have Europeans been lately appointed as assistant jailors in the Cawnpore and Agra District Jails ? How long have they been candidates for the post ? Is it a fact that preference has been given to them over candidates of pure Indian extraction who are far better qualified educationally and who have been in the waiting list for over two years ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No. One European probationer was transferred to the Cawnpore District Jail to work in connection with the tailoring of police uniforms.

DETENTION OF A DISCHARGED PRISONER AFTER EXPIRY OF HIS SENTENCE.

*16. **Hafiz Hidayat Husain** : Is it a fact that the jailor of the Fatehgarh Central Jail did not discharge a prisoner after the expiry of his sentence, but detained him in jail for over two years ? Will the Government be pleased to narrate the circumstances under which the prisoner suffered this illegal confinement ? What action has the Government taken to compensate the prisoner, and how has the Government dealt with the offending jailor ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes. The over-detention was due to carelessness on the part of the jailor who fully admitted his fault. Government have sanctioned a grant of Rs. 500 to the prisoner by way of compensation. The jailor has been fined Rs. 221 and an entry has been made in his character roll. This punishment was considered sufficient in view of the fact that he had an unblemished record since 1897.

VACANCIES IN THE CADRE OF SUB-REGISTRARS.

*18. **Mr. Muhammad Aslam Saifi** : Is it a fact that the vacancy caused by the death of Babu Bisheshwar Dayal, Sub-Registrar, which took place on the 13th December, 1922, has not yet been filled?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No.

*19. **Mr. Muhammad Aslam Saifi** : Will the Government be pleased to state the reasons for keeping this post in abeyance from the 13th December, 1922 up-to-date?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Does not arise.

*20. **Mr. Muhammad Aslam Saifi** : Is it a fact that the following posts in the Sub-Registrar's Gradation List for 1923 are still vacant :—

Grade.					Number of posts.
Rs.					
275	...	...	...	...	1
200	...	...	...	...	1
175	...	...	...	...	1
150	...	...	...	...	2
125	...	...	...	...	2
100	...	...	...	...	1

Will the Government be pleased to state the reasons for not filling these posts by promotion from junior ranks?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The vacancies have now been filled up. Promotions were suspended in the past pending the decision of Government on the retrenchment proposals made by the Economy Committee.

*21. **Mr. Muhammad Aslam Saifi** : Will the Government be pleased to state if the vacancies caused by retirement or otherwise in the list of Sub-Registrars from 1922 till, say, September, 1924 have been filled?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Yes. Partly by recruitment, partly by appointment of *ex officio* Sub-Registrars.

*22. **Mr. Muhammad Aslam Saifi** : If not, will the Government be pleased to state reasons as to leaving them unfilled?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to the answer to question No. 21 of today's date.

*23. **Mr. Muhammad Aslam Saifi** : Is there any special reason for stopping promotion of those Sub-Registrars who are entitled to the grades which have been and are now vacant?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No, the embargo on promotions has already been removed.

"GANDHI AND ANARCHY IN INDIA."

*24. **Pandit Jhanni Lal Pande** : Will the Government be pleased to state if the permission of the author of the book "Gandhi and Anarchy in India" was obtained before its translation by the Publicity department of the Government?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the affirmative.

*25. **Pandit Jhanni Lal Pande :** How many copies of the book were published in vernacular and at what cost?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : 3,000 copies in Urdu and 26,000 copies in Hindi at a total cost of Rs. 3,675-5-3.

*26. **Pandit Jhanni Lal Pande :** Will the Government be pleased to state if these books were distributed free or sold?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The books were printed for free distribution and were not put on sale.

*27. **Pandit Jhanni Lal Pande :** Will it please the Government further to state how much money did the sale of the books bring?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : As the books were not for sale no income was received.

*28. **Pandit Jhanni Lal Pande :** Is it a fact that this translation was made by the Publicity department at its own initiative?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The translation was made under the orders of the Government.

CASE OF PANDIT BENI MADHO TIWARI.

*29. **Pandit Jhanni Lal Pande :** Will the Government be pleased to state what steps did it take after the assurance given by the Hon'ble the Home Member to the Council on the 10th September, 1924 in Pandit Beni Madho Tiwari's case and in the case of Bageshwar fair prisoners?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Pandit Beni Madho Tiwari has been released on medical grounds. The cases of the Bageshwar fair prisoners were referred to a senior Sessions Judge for opinion.

EXAMINATION OF CASES OF POLITICAL PRISONERS.

*30. **Pandit Jhanni Lal Pande :** After the passing of the resolution for the release of political prisoners, will the Government be pleased to state how many individual cases were examined by the Government and with what result?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : As explained in the answer to question No. 29 the cases of the Bageshwar fair prisoners were referred for opinion to a senior Sessions Judge. He recommends no interference with the sentences passed.

HUNGER STRIKE BY SHAUKAT USMANI.

*31. **Pandit Jhanni Lal Pande :** Will the Government be pleased to state why Shaukat Usmani, a convict in Cawnpore Bolshevik conspiracy case, went on hunger strike?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The prisoner expressed his intention of hunger striking till he was given special division treatment.

*32. **Pandit Jhanni Lal Pande :** Will the Government be pleased to state for how many days did his strike last, and how was it ultimately broken?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Twenty-six days. As to the second part of the question, no statement by the prisoner of his reasons for stopping the hunger strike has been reported.

POLICE CLUB AT ORAI.

***33. Pandit Jhanni Lal Pande :** Will the Government be pleased to state how much money was realized for the erection of the Police Club at Orai ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The total amount of the donations collected for the construction of the Police Club at Orai was Rs. 8,071-6.

EJECTMENT SUITS IN JALAUN.

***36. What was the number of ejectment suits filed in the Jalaun district in the years 1923 and 1924 respectively ?**

The Hon'ble Mr. S. P. O'Donnell :

Revenue year.		No. of suits filed.	
1922-23	::	::	1,554.
1923-24	::	::	2,529.

GRANT TO AN AYURVEDIC DISPENSARY BY ORAI MUNICIPALITY.

***40. Pandit Jhanni Lal Pande :** Will the Government be pleased to state how much money was granted by it to the municipal board, Orai, for an Ayurvedic dispensary in the year 1923-24 ?

The Hon'ble Rai Rajeshwar Bali : A grant of Rs. 2,000 was made to the Orai municipal board during 1923-24 for encouragement of the indigenous systems of medicine.

***41. Pandit Jhanni Lal Pande :** Will it please the Government to lay on the table a copy of the letter sent to the board along with the grant showing the purpose for which the money was granted ?

The Hon'ble Rai Rajeshwar Bali : No letter was sent to the board. The Commissioner was informed that the grant was made for the encouragement of the indigenous systems of medicine.

TECHNICAL SCHOOL, JHANSI.

***53. Mr. Ashiq Husain Mirza :** Will the Government be pleased to state when was the technical school built at Jhansi, and when was it handed over to the school authorities by the Public Works department ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The technical school building was built in 1920-21 and was handed over to the school authorities in October, 1921.

***54. Mr. Ashiq Husain Mirza :** Is the Government aware that the school and its boarding house has not a single dry room left during the rains, and actually the students hold umbrellas over their heads when attending the drawing class ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No complaints have been received officially regarding the condition of the roofs, but it is understood that they do leak and the matter is being looked into.

***55. Mr. Ashiq Husain Mirza :** In view of the bad material and supervision of the Public Works department of this school, will the Government be pleased to state what action it proposes to take against the Public Works department supervising officers concerned ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The district engineer who was responsible for the bad work in this and other buildings in Jhansi, together with the subordinate in charge of the work, have been already severely punished. The district engineer's promotion was stopped for several years and the subordinate has been superseded and has not been promoted to the Subordinate Engineering Service.

CARPENTRY SCHOOL, ALLAHABAD.

***56. Mr. Ashiq Husain Mirza :** Has the Government any information regarding the work and material put into the new Carpentry School building at Allahabad?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Yes. The work is being carried out according to the sanctioned specifications.

***57. Mr. Ashiq Husain Mirza :** Is it a fact that the same supervision and materials are being used in this school building as at Jhansi school?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No.
WATER-WORKS, LUCKNOW.

***58. Mr. Ashiq Husain Mirza :** Will the Government be pleased to state who was the officer who made out the specifications of the new water-works machinery at Lucknow?

***The Hon'ble Rai Rajeshwar Bali :** Executive Engineer, II division, Public Health department, Lucknow.

***59. Mr. Ashiq Husain Mirza :** Is it a fact that all the three engines have had their pistons seized or jammed, and that new cylinders and pistons had to be ordered? If so, what is the additional cost of these renewals?

The Hon'ble Rai Rajeshwar Bali : In a trial run the firm which supplied and erected the engines and generators admitted to these engines steam at a temperature considerably in excess of that for which they were designed and this caused the high pressure piston slide valves of three engines partially to seize and to damage the piston valve rods, eccentric rods and brasses. Pending a decision as to the party liable to make good the damage the Government are not prepared to state the cost.

***60. Mr. Ashiq Husain Mirza :** Does the Government propose taking any action in the matter? If so, what?

The Hon'ble Rai Rajeshwar Bali : It is proposed to await the results of the final test before taking any decision.

WORKSHOPS AT CAWNPORE.

***61. Mr. Ashiq Husain Mirza :** Will the Government be pleased to state what is the cost per annum on the following two workshops (excluding office and engineers):—

- (1) Well-boring division at Cawnpore;
- (2) Agricultural Engineers Workshop, Cawnpore?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The cost in 1923-24, excluding permanent staff, was:—

- (1) Rupees 5,058.
- (2) Rupees 24,000.

TUBE-WELLS.

* 62. **Mr. Ashiq Husain Mirza :** What was the total number of tube-wells put down in each year during the last three years by—

(1) Well-boring division, Cawnpore, and

(2) Agricultural Engineers, Cawnpore,

and what was the size of these tube-wells?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :

Year.				Size of tube-wells.	Number of tube-wells.
(1) 1921-22	..	..	..	9'	2
				5'	1
					<hr/>
					Total .. 3
1922-23	..	..	..	9'	6
				5'	1
					<hr/>
					Total .. 7
1923-24	..	..	..	9'	10
					<hr/>
					Total .. 10
(2) 1921-22	..	..	..	9'	12
				5'	4
					<hr/>
					Total .. 16
1922-23	..	..	..	9'	13
				5'	3
					<hr/>
					Total .. *16
1923-24	..	..	..	10'	2
				9'	13
				8'	1
				6'	3
				5'	10
				4'	3
				3'	
				or	
				2½'	16
					Total .. 48

*This figure does not include four pumping plants which were installed in that year in addition to tube-wells.

MONOPOLY BY FOREST DEPARTMENT.

* 63. **Mr. Ashiq Husain Mirza :** Will the Government be pleased to state if monopolies are granted by the Forest department?

Mr. F. F. R. Channer : Agreements which are practically grants of monopolies are occasionally entered into by the Forest department.

Mr. Mukandi Lal : Can the Forest department give a monopoly of its forest products?

Mr. F. F. R. Channer : Yes, with the approval of the Government.

* 64. **Mr. Ashiq Husain Mirza**: If not, will the Government be pleased to state if it is prepared to sell to others *chir*, rosin and *haldu* timber at the same rate as guaranteed to the Clutterbuckganj companies?

Mr. F. F. R. Channer: Does not arise.

ROSIN AND TURPENTINE COMPANIES, CLUTTERBUCKGANJ.

* 65. **Mr. Ashiq Husain Mirza**: Will the Government be pleased to state when the Rosin and Turpentine Companies, Clutterbuckganj, commenced manufacturing, and on what date was the factory handed over by the Government to the company in 1923?

Mr. F. F. R. Channer: The property was not transferred to the company till the 27th of October, 1924. On the 1st of September, 1923 the property was made over to a Syndicate responsible for the formation of the company. The Syndicate has been manufacturing since the 1st September, 1923.

Mr. Ashiq Husain Mirza: It has been stated that the Syndicate has been manufacturing since the 1st September, 1923, that the company was registered on the 22nd February, 1924, and that it received its trading certificate on the 24th October, 1924. I want to inquire who gets the profits of that one year and whether any amount of money was invested by the Syndicate in that period?

Mr. F. F. R. Channer: The reply is given in part (3) of the answer to question No. 66, namely:—

“The profits made by the Turpentine and Rosin Factory between the 1st of September, 1923 and the date of transfer to the company are being transferred to the Capital Reserve.”

Mr. Ashiq Husain Mirza: Have they invested the money during that period?

Mr. F. F. R. Channer: The money remained with the Syndicate.

Mr. Ashiq Husain Mirza: Do the Government own more than three-quarters of the capital?

Mr. F. F. R. Channer: The Government own nothing in the Syndicate.

Mr. Ashiq Husain Mirza: Do the Government own anything in the company?

Mr. F. F. R. Channer: Yes.

* 66. **Mr. Ashiq Husain Mirza**: Will the Government be pleased to state what cash capital has been invested by this company in the factory since it took over from the Government? When was the company registered and floated? How are the profits to be divided between the company and the Government since the date when the Government handed over the factory to the company, and the proper registration and inception of the company? What profits have been made since the date when the factory was handed over to the company last year?

Mr. F. F. R. Channer: (i) Government has no information.

(ii) The company was registered on the 22nd February, 1924. It received its trading certificate on the 24th of October, 1924.

(iii) The profits made by the Turpentine and Rosin Factory between the 1st of September, 1923 and the date of transfer to the company are being transferred to the Capital Reserve.

(iv) This information will be available to the honourable member when the first balance-sheet of the company is deposited with the Registrar of Joint Stock Companies.

* 67. **Mr. Ashiq Husain Mirza** : Is it a fact that Government has more than 15 lakhs of rupees invested in these two companies in the shape of shares and debentures ?

Mr. F. F. R. Channer : Yes.

* 68. **Mr. Ashiq Husain Mirza** : If not, will the Government be pleased to give exact figures as to shares and debentures the Government holds in both these companies respectively, together with the amounts the respective companies are subscribing in cash ?

Mr. F. F. R. Channer : Does not arise.

* 69. **Mr. Ashiq Husain Mirza** : Will the Government be pleased to state what amount these respective factories (bobbin and turpentine) cost the Government net, and for what amounts respectively they were handed over to the companies ? What loss was sustained by the Government in this transaction ?

Mr. F. F. R. Channer : The book value of the Bobbin Factory at the time it was handed over to the Syndicate, including buildings, land, machinery and siding, was Rs. 13,64,361. It was handed over to the company on the valuation of Rs. 4,50,000. The same figures of Turpentine Factory are Rs. 8,12,335 and Rs. 6,00,000. The loss was accordingly Rs. 9,14,361 and Rs. 2,12,335, respectively.

Rai Bahadur Lala Sita Ram : Is the Chief Conservator of Forests in a position to tell us as to why the land, machinery and siding to the value of Rs. 13,64,361 were handed over to the company for Rs. 4,50,000, that is to say, at a loss of about nine lakhs of rupees ?

Mr. F. F. R. Channer : No other firm offered a higher price.

Rai Bahadur Lala Sita Ram : Were any tenders called for ?

Mr. F. F. R. Channer : Yes.

Rai Bahadur Lala Sita Ram : Did anybody else offer for it ?

Mr. F. F. R. Channer : The proposal to sell the concern was widely advertised, but nobody else offered for it.

Rai Bahadur Lala Sita Ram : Were any other tenders received ?

Mr. F. F. R. Channer : No, except that of the Syndicate.

* 70. **Mr. Ashiq Husain Mirza** : Was any cash received by the Government in consideration of the transfer of these factories to the companies ? What penalty clauses have been inserted for short or non-supply of raw materials to the above two companies ?

Mr. F. F. R. Channer : Rupees 2,345 for rounding the amount for which debentures were to be issued.

With regard to the supply of resin, Government has undertaken to supply not more than one lakh maunds in any one year and to arrange 25 channels for tapping for each maund of resin. Provided channels are arranged accordingly, Government are not liable for any loss to the

company that may result owing to the supply being less than the required amount if such shortage is due to circumstances beyond its control. In the case of shortage up to 10 per cent. there is no penalty, and over 10 per cent., Rs. 2 per maund on the total shortage.

With regard to timber, if in any year trees are not marked for felling for the company sufficient to give the required number of volume units, the company can claim such proportion of Rs. 1,00,000 as the number of volume units by which the supply made available falls short of the supply due to be made available bears to the supply due to be made available in that year.

*71. **Mr. Ashiq Husain Mirza :** Is it a fact that the Managing Agent under an agreement with the Government is to receive Rs. 2,000 per month from each of these two companies, and a commission of 10 per cent. in addition from both companies gross profits? If not, will the Government be pleased to give exact figures, and state what work is to be performed by the Managing Agent for this remuneration?

Mr. F. F. R. Channer : The managing agent of each of the companies is to receive annually 10 per cent. of the profits after deducting interest on debentures or other loans, but, before placing anything to depreciation reserve or other special account and before making any provision for income-tax, super-tax or other like impositions, each managing agent is to receive an office allowance of Rs. 2,000 per mensem.

The second part does not arise.

Mr. Ashiq Husain Mirza : Is this Rs. 2,000 per month as an office allowance to the managing agents?

Mr. F. F. R. Channer : Yes.

Mr. Ashiq Husain Mirza : Is this Rs. 2,000 a month given to only one managing agent and the other gets nothing?

Mr. F. F. R. Channer : Only one of them.

Mr. Ashiq Husain Mirza : Do the companies keep their own offices apart from the managing agent's office?

Mr. F. F. R. Channer : Each company has its own office.

Mr. Ashiq Husain Mirza : Do the managing agents of those companies get Rs. 2,000 for office allowance and keeping and maintaining an office?

Mr. F. F. R. Channer : Yes.

Mr. Ashiq Husain Mirza : Then the company either keeps no office or keeps a double office. Is it so?

No answer.

Pandit Govind Ballabh Pant : Did not the company yield a profit of 1½ lakhs before it was transferred to the Syndicate?

Mr. F. F. R. Channer : Yes, about that.

Pandit Govind Ballabh Pant : Then why was it transferred?

Mr. F. F. R. Channer : No answer.

Rai Bahadur Lala Sita Ram : May I know the number of managing agents who receive the allowance of Rs. 2,000?

Mr. F. F. R. Channer : Two managing agents.

Rai Bahadur Lala Sita Ram : Does each receives Rs. 2,000 per month ?

Mr. F. F. R. Channer : Yes.

Mr. Mukandi Lal : Are there two managing agents and each gets Rs. 2,000 as office allowance ?

Mr. F. F. R. Channer : Yes.

* 72. **Mr. Ashiq Husain Mirza :** Is it a fact that the Forest Board recommended the transfer of the Bobbin and Turpentine Factories to private enterprise? If so, was the Forest Board consulted regarding the terms of transfer also?

Mr. F. F. R. Channer : (i) Yes.

(ii) No, but a meeting of all persons interested was publicly advertised and was duly held at the Council Chamber, Lucknow, on 22nd December, 1922.

VOTING BY NOMINATED OFFICIAL MEMBERS.

* 73. **Pandit Bhagwat Narayan Bhargava :** Are there any orders of the Government to the effect that all the nominated official members of the Council including those working under the Ministers must invariably vote with the Executive Councillors?

The Hon'ble Mr. S. P. O'Donnell : No.

Mr. Mukandi Lal : Do they vote voluntarily with the Government?

No answer.

MINISTERS' POWER TO INCUR EXPENDITURE.

* 74. **Pandit Bhagwat Narayan Bhargava :** Is it a fact that the Ministers cannot incur even a pie of new expenditure without the approval of the Finance Member?

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to Devolution Rules 31, 32, 37(g) (iii), and 44.

PROVINCIAL SERVICE OFFICERS.

* 75. **Pandit Bhagwat Narayan Bhargava :** Is there any rule which lays down that any change in the conditions of recruitment and service of officers of the Provincial Service can only be made by the Governor in Council even when those services relate to transferred subjects? If so, will the Government be pleased to get it amended?

The Hon'ble Mr. S. P. O'Donnell : There is no such rule.

GOVERNMENT TECHNOLOGICAL SCHOOL, JHANSI.

* 76. **Pandit Bhagwat Narayan Bhargava :** (1) Will the Government be pleased to state when the accounts of the Government Technological School, Jhansi, were audited by the auditors during the current year?

(2) Has the audit report been finally submitted by the auditor to the Local Fund Examiner or the Government?

(3) Will the Government be pleased to state if it is a fact that a big embezzlement has been suspected by the auditors in the accounts of the said school?

If so, will the Government kindly give the Council an idea as to how much has been embezzled?

(4) Is it a fact that the Director of Industries has been informed about the matter by the local officials of the school?

(5) Will the Government institute an immediate and independent inquiry into the case?

(6) Does the Government contemplate transferring the said school to the Railway Company? If so, when?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (1) In August, September and October, 1924.

(2), (3) and (5). The audit note has been received recently and has been sent to the Director of Industries for a report. On receipt of his report Government will take such action as is considered necessary.

(4) Shortly before the arrival of the auditors a member of the office staff attempted to lay charges before the Director of Industries against his official superiors. He was ordered to reduce his charges to writing and send them through the proper channel. He has not done so.

(6) No such transfer is contemplated at present.

GRANTS TO DISTRICT BOARDS FOR COMMUNICATION AND EDUCATION.

* 77. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to lay before the House a statement showing the annual grants made by the Government to district boards for communications and education during the last five years?

The Hon'ble Rai Rajeshwar Bali : A statement is laid on the table of the honourable member.

RULES FOR TEXT-BOOK COMMITTEE.

* 78. **Pandit Bhagwat Narayan Bhargava :** (1) Has the Government revised the rules for the constitution of the Text-Book Committee?

(2) If so, will the Government be pleased to lay a copy of the same on the table?

The Hon'ble Rai Rajeshwar Bali : (1) Yes.

(2) A copy of the revised rules is placed on the honourable member's table.

* 79. **Pandit Bhagwat Narayan Bhargava :** (1) Has the Government formed the Text-Book Committee recently?

(2) Will the Government be pleased to announce its personnel?

The Hon'ble Rai Rajeshwar Bali : (1) Yes.

(2) A list showing the personnel of the committee is placed on the honourable member's table.

TRANSFER OF MODEL GIRLS' SCHOOLS TO LOCAL BOARDS.

*80. **Pandit Bhagwat Narayan Bhargava :** (1) Does the Government contemplate the transfer of model girls' schools to the local boards?

(2) If not, will the Government be pleased to consider the suggestion?

The Hon'ble Rai Rajeshwar Bali : (1) No.

(2) Government will examine the question.

*81. **Pandit Bhagwat Narayan Bhargava :** (1) Is it a fact that district board clerks are required by the Government to do some work of the model girls' schools?

If so, does the Government pay any allowance to them?

(2) Has the Government received any representation from any district board regarding the determination of this allowance?

The Hon'ble Rai Rajeshwar Bali : (1) The answer to the first part of the question is in the affirmative and to the second part in the negative.

(2) Yes.

Pandit Bhagwat Narayan Bhargava : What does the Government propose to do with regard to the representation?

The Hon'ble Rai Rajeshwar Bali : We shall consider it.

DIVISIONAL INSPECTORS OF SCHOOLS.

*82. **Pandit Bhagwat Narayan Bhargava :** (1) What has the Government decided about the reduction of the number of Divisional Inspectors of Schools as recommended by the Economy Committee?

(2) Have any educational divisions been abolished?

The Hon'ble Rai Rajeshwar Bali : (1) Government have decided that, pending consideration of the report of the Deputy Director of Public Instruction, who is on special duty to make proposals for the expansion of vernacular education, the number of Divisional Inspectors should not be reduced.

(2) No.

DISTRICT INSPECTING STAFF OF SCHOOLS.

*83. **Pandit Bhagwat Narayan Bhargava :** (1) What decision has the Government arrived at about the proposals of the Economy Committee regarding the District Inspecting staff and the delegation of powers to school committees?

The Hon'ble Rai Rajeshwar Bali : The only definite proposal made by the Committee was that the post of Deputy Inspector should be strengthened. This proposal is under consideration.

BRAHMAN SABHA, JHANSI.

*85. **Pandit Bhagwat Narayan Bhargava :** (1) Is it a fact that the president and some members of the Brahman Sabha, Jhansi, made a report to the police complaining against some Muhammadans on or about the 1st September, 1924 regarding obstruction to their Veda procession?

(2) Was the report handed over to the police in writing? Will the Government be pleased to lay before the House a copy of the said report?

(3) Is it a fact that the District Magistrate sent for certain Hindus and Muhammadans to his bungalow about this incident?

(4) Is it a fact that the then Superintendent of Police and the District Magistrate were convinced of the truth of the report?

(5) Will the Government be pleased to state what action, if any, was taken by the police on the report? If none, why not?

The Hon'ble Mr. S. P. O'Donnell : (1). Yes.

(2) Yes. A copy of the report is laid on the table.

(3) A meeting of the district conciliation committee was convened by the District Magistrate to deal with this and other questions arising at the time.

(4) As no evidence had been heard, the Superintendent of Police and the District Magistrate had no material on which to form a conclusion.

(5) No action was taken by the Police, as the alleged offence was non-cognizable. Eventually, on the persuasion of the conciliation committee, the complainants refrained from taking their case to court.

Babu Nemi Saran : Are these conciliation committees properly constituted in every district or it is only a special feature of that district?

The Hon'ble Mr. S. P. O'Donnell : There is no such thing as regular conciliation committees on a permanent basis anywhere, but in various districts conciliation committees from time to time have been formed according as circumstances required.

NOMINATION OF MEMBERS TO LOCAL BOARDS.

*86. **Pandit Bhagwat Narayan Bhargava :** What is the policy of the Government in nominating official or non-official members to the municipal and district boards?

The Hon'ble Rai Rajeshwar Bali : The policy of the Government is to nominate persons who will be useful members of the boards.

Babu Nemi Saran : Is the policy of the Government not to give representation to minorities?

The Hon'ble Rai Rajeshwar Bali : We do give representation to minorities.

*87. **Pandit Bhagwat Narayan Bhargava :** Are there any orders of the Government to the effect that all the officials of the Revenue department nominated to the municipal board are to represent the views of the District Magistrate in the meetings of the board?

The Hon'ble Rai Rajeshwar Bali : None.

ELECTION PETITION OF RAI SAHIB SETH GANGA PRASAD.

*88. **Pandit Bhagwat Narayan Bhargava :** (1) Has the attention of the Government been drawn to the judgment of the Commissioner of the Jhansi division, dated the 15th September, 1924, in the election petition Rai Sahib Seth Ganga Prasad *versus* Pandit Kishandas?

(2) Is it a fact that certain Government officials appeared as witnesses in that case?

(3) Did the Commissioner hold some of these officials as being untruthful witnesses?

(4) Did the Commissioner take any action against them? If so, what; if not, why not?

The Hon'ble Mr. S. P. O'Donnell: (1) The Commissioner's judgment was seen on receipt of the question now under reply.

(2) Yes.

(3) Yes.

(4) No, because he considered that it would be impossible to prove in a court that perjury had been committed.

Pandit Bhagwat Narayan Bhargava: Why was no departmental action taken against those officials?

The Hon'ble Mr. S. P. O'Donnell: The Commissioner considered that it could not be proved definitely that perjury had been committed.

Pandit Bhagwat Narayan Bhargava: I want to know why no departmental action was taken?

The Hon'ble Mr. S. P. O'Donnell: As it could not be proved in a court of law, so no departmental action was taken.

SUSPENSION OF TAHSILDAR, MAU.

*89. **Pandit Bhagwat Narayan Bhargava:** (1) Is it a fact that during his stay at Mau the District Magistrate suspended the tahsildar of Mau for disobedience of his order contained in letter sent to Chairman, municipal board, Mau, about the contract of the river causeway?

(2) Did he do so with the sanction or approval of the Commissioner?

(3) Was his case afterwards referred to the Commissioner?

The Hon'ble Mr. S. P. O'Donnell: (1) Two charges were framed by the Collector against the tahsildar. One of these was that the tahsildar actively opposed in a meeting of the municipal board the advice given by the Collector. The order of suspension, however, was passed in connection with the second charge.

(2) and (3) The facts were reported to the Commissioner, who directed that the tahsildar should be severely censured and transferred.

Pandit Bhagwat Narayan Bhargava: What was the second charge?

The Hon'ble Mr. S. P. O'Donnell: It is about a statement made by the Tahsildar about the service of summons on the naib-tahsildar.

Babu Nemi Saran: May I know how is it that this official who was nominated as a member of the committee was asked to follow the advice of the District Magistrate or a superior officer?

The Hon'ble Mr. S. P. O'Donnell: It was not right for the tahsildar to actively oppose the advice given by the Collector.

*90. **Pandit Bhagwat Narayan Bhargava:** Will the Government be pleased to lay before the House a copy of the charges made against the tahsildar by the District Magistrate and the order passed by the Commissioner on each of them?

The Hon'ble Mr. S. P. O'Donnell: The answer is in the negative.

ECONOMY COMMITTEE'S PROPOSAL ABOUT CIVIL COURT JURISDICTION.

*91. **Pandit Bhagwat Narayan Bhargava :** (1) Has the Government received replies from the High Court about the general proposal of the Economy Committee to extend the pecuniary limits of jurisdiction of civil courts?

(2) If so, how long will it take the Government to arrive at a final decision?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

The High Court have expressed the opinion that consideration of the proposals of the Economy Committee should be deferred until the Civil Justice Committee has reported. Government have agreed to this.

POST OF LAW REPORTER.

*92. **Pandit Bhagwat Narayan Bhargava :** What has the Government decided about the post of Law Reporter?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It has been decided not to make any change in the present arrangement.

ECONOMY COMMITTEE'S RECOMMENDATIONS ON JAILS AND INDUSTRIES.

*93. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to give detailed information to the Council as to what decisions have been arrived at by the Government with regard to each recommendation of the Economy Committee on jails?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : A statement is laid on the table.

STATEMENT A.

Recommendations.

Action taken.

- | | |
|--|---|
| (1) Early action should be taken to reduce the number of short-term prisoners. | Commissioners have been addressed on the subject. |
| (2) Fifth class jails should be abolished and should not be replaced by subsidiary jails. | In accordance with the recommendation of a small committee to which the question was referred, the Karwi jail has been abolished. The abolition of other jails is for the present considered inadvisable in view of the abolition of transportation to the Andamans and the consequent probability of an increase in the jail population. |
| (3) The method of accounting for jail manufactures should be revised. | The method is being revised. |
| (4) A more extended use should be made of jail labour and jail manufactures in consultation with commercial opinion. | Action is being taken to this end—vide Government resolution No. 2778/VI—857, dated the 29th August, 1924. |

***94. Pandit Bhagwat Narayan Bhargava :** Have the committees appointed by the Government to consider the recommendations of the Economy Committee about jail labour and jail manufactures finished their deliberations ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Only one committee was appointed. It has finished its deliberations. The honourable member is referred to Judicial (Criminal) department resolution No. 2778/VI—857, dated the 29th August, 1924.

***96. Pandit Bhagwat Narayan Bhargava :** What has the Government decided about the combination of the post of sub-assistant surgeon in charge of the police hospital with that of sub-assistant surgeon in jail as recommended by the Economy Committee ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Sub-assistant surgeons of the jails at Farrukhabad, Fatehpur, Sitapur and Sultanpur have been put in charge of the police hospitals of those places. At other places the amalgamation of duties was not found to be practicable.

***97. Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to inform the House to what extent it has adopted the recommendations of the Economy Committee with regard to industries ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : To the extent that Government considered feasible.

Pandit Bhagwat Narayan Bhargava : Will the Government be pleased to make a general statement of the action taken on the recommendations ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : If the honourable member will put a definite question, he will get a definite reply.

INSPECTION OF POUNDS.

***98. Pandit Bhagwat Narayan Bhargava :** (1) Is the Government aware that the police officers make inspections of the pounds of the district boards ?

(2) Is it under the Police Manual that they are authorized to do so ?

(3) Does the Hon'ble Minister for Local Self-Government approve of this power of inspection ?

(4) Will the Government be pleased to delete this power from the Police Manual ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) and (2) Police officers are empowered to inspect pounds under the Police Regulations.

(3) and (4) The regulation will be omitted in the new edition of the Police Regulations now under preparation.

VACCINATORS.

***99. Pandit Bhagwat Narayan Bhargava :** (1) Is it a fact that the vaccinators have to work only for six months during the year ?

(2) Is it a fact that they are given full pay of the whole year ?

(3) Will the Government be pleased to consider the advisability of giving them some work in connection with village sanitation during the other half of the year ?

The Hon'ble Rai Rajeshwar Bali : (1) The vaccination season lasts only seven months.

(2) Yes.

(3) This is a matter for district boards.

COMPLAINT AGAINST TOWN MAGISTRATE, JHANSI.

* 100. **Pandit Bhagwat Narayan Bhargava :** Has the Hon'ble Minister for Local Self-Government received a complaint from the prominent residents of Barwasagar, district Jhansi, against the Town Magistrate?

The Hon'ble Rai Rajeshwar Bali : Yes.

* 101. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to state what further action has been taken on the complaint? If none, why not?

The Hon'ble Rai Rajeshwar Bali : The matter is under investigation.

EMPIRE EXHIBITION.

* 102. **Mr. Mukandi Lal :** Will the Government be pleased to state what has been the total expenditure and income and sales in the Empire Exhibition in the United Provinces section of the Exhibition?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The information will not be available until the Joint Secretaries have prepared their final detailed accounts.

* 103. **Mr. Mukandi Lal :** Will the Government be pleased to state which are the six commodities that commanded largest sale in the United Provinces section and what is the amount of prices of those six articles sold in the Exhibition?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The information will be supplied when final detailed accounts are received from the Joint Secretaries.

TREATMENT OF WOMEN PRISONERS IN THE FARRUKHABAD JAIL.

* 104. **Mr. Mukandi Lal :** (1) Is it a fact that in the Farrukhabad jail women prisoners get no clothes to cover them when they wash their clothes?

(2) Is it a fact that on or about the 8th June, 1923 the Lady Superintendent held a nude parade of women prisoners and in spite of their protests women prisoners were stripped naked by the Lady Superintendent?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government are informed that there is no truth in either suggestion.

Mr. Mukandi Lal : Was this information supplied by the Lady Superintendent concerned?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I think so.

RELEASE OF VICTOR JOSHI.

* 112. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to state if their attention has been drawn to the resolution of a meeting of the Indian Christian Association, held at Lucknow in November, praying for the release of Mr. Victor Joshi?

(2) Will the Government be pleased to order his release?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) Yes.

(2) The honourable member is referred to the answer to starred Council question No. 30. The Government do not propose to make any further statement at present.

KASHIPUR-JASPUR RAILWAY LINE.

* 113. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if any action has been taken with regard to the memorial from the inhabitants of Thakurdwara tahsil in November, 1919, regarding the construction of a railway line from Kashipur to Jaspur, through Thakurdwara, in Moradabad district?

The Hon'ble Mr. S. P. O'Donnell : The request of the inhabitants of the Thakurdwara tahsil was considered by the Government and a recommendation was made to the authorities of the Rohilkhand and Kumaun Railway that the alignment of the proposed railway from Kashipur to Jaspur should pass through Thakurdwara. This recommendation has been accepted by the Home Board of that railway.

MUSALMAN WAQF ACT.

* 114. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to inform the Council whether they are going to apply the whole Act, or only some of the sections of the Musalman Waqf Act?

(2) If the answer is in the affirmative, will the Government be pleased to state the sections they intend to apply?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to notification No. 629/IX, dated the 6th November, 1924, applying the Musalman Waqf Act, 1923.

* 115. **Dr. Shafa'at Ahmad Khan :** Do the Government intend to except certain sections of the community, as provided for under the Musalman Waqf Act?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government have no such intention at present.

* 116. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the date when the Musalman Waqf Act will be enforced?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The Act was enforced with effect from the 6th November, 1924.

Hafiz Hidayat Husain : Has the Government instructed the District Judges to appoint local auditors?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Whatever is necessary under the Act has been done.

REGISTER OF MARRIAGES AND DIVORCE AMONG MUSLIMS.

* 117. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to consult the district authorities regarding the institution of a register of marriages and divorce among the Muslims?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government do not consider that any useful purpose would be served by so doing.

CONSULTATION OF DOCUMENTS IN SECRETARIAT BY HISTORICAL STUDENTS.

* 118. **Dr. Shafa'at Ahmad Khan:** (1) Will the Government be pleased to frame rules with a view to allowing historical scholars an opportunity of consulting the documents preserved in the Secretariat?

(2) Will the Government be pleased to state if a catalogue of all these documents has been compiled, and is accessible to the students?

The Hon'ble Mr. S. P. O'Donnell: (1) Rules governing the inspection of Secretariat records are being framed.

(2) A handbook to the English pre-Mutiny records was compiled in 1920 and is on sale at the Government Press.

Mr. Mukandi Lal: Will the Government be pleased to state whether permission is likely to be given?

The Hon'ble Mr. S. P. O'Donnell: Wait and see the rules first.

INDUSTRIAL SURVEY REPORTS.

* 119. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to get the Industrial Survey Reports translated into the vernaculars of these provinces?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Government consider that translation of the entire Survey Reports is unnecessary. Extracts will, however, be translated for the vernacular papers from time to time.

BRASS-WARE INDUSTRY, MORADABAD.

* 120. **Dr. Shafa'at Ahmad Khan:** (1) Will the Government be pleased to state if they have received any proposal from Moradabad for the improvement of brass-ware industry there?

(2) Will the Government be pleased to state the measures adopted by them for the improvement of this industry?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: (1) and (2). An aided school was opened in May this year, a grant of Rs. 1,500 having been sanctioned by the Board of Industries. A recurring grant is contemplated.

BUILDING GRANTS FOR MOSLEM AND NON-MOSLEM INSTITUTIONS.

* 121. **Hafiz Hidayat Husain:** Will the Government be pleased to lay on the table a statement showing the building grants during the years 1921-22, 1922-23, 1923-24 and 1924-25 for Moslem educational institutions and for non-Moslem educational institutions?

The Hon'ble Rai Rajeshwar Bali: A statement is laid on the table of the honourable member.

* 122. **Hafiz Hidayat Husain:** How many applications from Muhammadan institutions were disallowed wholly or partially during the years 1923-24 and 1924-25, and on what grounds?

The Hon'ble Rai Rajeshwar Bali: In 1923-24 one application for a grant was received from a Muhammadan school too late for inclusion in the budget of 1924-25: it is being considered in connection with the budget of 1925-26.

In 1924-25 one application for a grant has had to be postponed because the school authorities have not been able to raise their share of the cost; it will be considered next year if it is renewed.

AMETHI RIOTS.

* 128. **Lala Mathura Prasad Mehrotra** : Will the Government be pleased to give an account of the Amethi (district Lucknow) riots ?

The Hon'ble Mr. S. P. O'Donnell : The matter is *sub judice*.

* 129. **Lala Mathura Prasad Mehrotra** : Were any inquiries made regarding the part played by the sub-inspector and the sub-divisional officer, and with what result ?

The Hon'ble Mr. S. P. O'Donnell : Government have instituted no inquiry into the conduct of the officials stationed at Amethi during the recent riots ; they consider that there is no occasion for a formal Government inquiry, and that any action required can and no doubt will be taken by the district authorities.

Lala Mathura Prasad Mehrotra : Will the Government be pleased to draw attention of the local authorities to this matter ?

The Hon'ble Mr. S. P. O'Donnell : There is no doubt whatever that it will engage their attention.

ALLEGATIONS AGAINST MAULVI ABDUL HAMID, DEPUTY COLLECTOR.

* 130. **Lala Mathura Prasad Mehrotra** : With reference to my starred question No. 2, dated the 10th September, 1924, will the Government be pleased to state the result of the inquiry and what steps are to be taken in the matter ?

The Hon'ble Mr. S. P. O'Donnell : The Commissioner has not found it necessary to submit a report to the Government.

(Starred question No. 2 of the 10th September, 1924, asked by **LALA MATHURA PRASAD MEHROTRA SAHIB**.)

* (a) Is it a fact that 230 zamindars of Bilhaur tahsil, district Cawnpore, have petitioned His Excellency the Governor to redress their grievances against Deputy Collector Khan Bahadur M. Abdul Hamid Khan ?

(b) Was the attention of the Government drawn to the remarks of the Hon'ble Mr. C. Walsh, Judge of the High Court, Allahabad, Babu Khirod Gopal Banerji and Babu Ram Chandra Saksena, Additional Sessions Judges, Cawnpore, in their judgments ?

(c) Will the Government be pleased to transfer him at once to some other district and institute an inquiry at an early date into the grievances of the petitioners ?

The answer given to the above.

(a) and (c) The honourable member is referred to the answers to starred questions Nos. 136 and 137 for the 9th September.

(b) Yes.

(Starred question No. 136 of the 9th September, 1924, asked by **BABU NEMI SARAN SAHIB**.)

* Has any memorial been received by the Governor from the zamindars of tahsil Bilhaur, district Cawnpore, praying for a commission to inquire into the alleged misdoings of Khan Bahadur Maulvi Abdul Hamid Khan, Deputy Collector ?

The answer given to the above.

Yes.

(Starred question No. 137 of the 8th September, 1924, asked by
BABU NEMI SARAN SAHIB.)

* If so, does the Government contemplate appointing the commission ?

The answer given to the above.

The memorial was sent to the Commissioner of Allahabad for disposal or report, if necessary. Pending the receipt of any report which the Commissioner may consider necessary, no further action will be taken.

Lala Mathura Prasad Mehrotra : Does the Government not consider it necessary to ask the Commissioner to submit his report ?

The Hon'ble Mr. S. P. O'Donnell : Government has complete confidence in the discretion of the Commissioner.

Lala Mathura Prasad Mehrotra : Will the Government be pleased to state whether it does not consider the allegations serious enough to justify an inquiry ?

The Hon'ble Mr. S. P. O'Donnell : No. The Government, as I said, left the matter entirely in the hands of the Commissioner.

TRANSFER OF PATWARIS.

* 131. **Lala Mathura Prasad Mehrotra :** With reference to my starred question No. 79, dated the 10th September, 1924, will the Hon'ble the Finance Member be pleased to reconsider the question and invite opinions from the Landholders' Associations of these provinces ?

The Hon'ble Mr. S. P. O'Donnell : Government see no reason to change the views expressed in reply to the question quoted.

EXTENSION OF THE PERIOD OF SETTLEMENT.

* 132. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state what action, if any, it has taken with regard to the extension of the period of settlement of revenue ?

* 133. Have the Government consulted the Secretary of State for India in this matter ?

* 134. If so, will the Government be pleased to state if any reply has been received from the Secretary of State for India ?

* 135. If not, will the Government be pleased to state when the reply of the Secretary of State for India is expected ?

* 136. Will the Government be pleased to state when they will redeem their promise to extend the period of settlement of revenue ?

* 137. When will the necessary legislation on this subject be undertaken ?

* 138. Do the Government intend to introduce a Bill with the object of extending the period of settlement simultaneously with the introduction of the Agra Tenancy Bill in the Council ?

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to the statement made by me on the 15th December, 1924 in the debate on the resolution of Chaudhri Badan Singh.

THE AGRA TENANCY BILL.

*139. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state when the Agra Tenancy Bill will be introduced in the Council?

The Hon'ble Mr. S. P. O'Donnell : Government cannot make a definite statement at present, but it is hoped that it will be possible to introduce the Bill during the present cold weather.

THE AGRA UNIVERSITY BILL.

*140. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if it will be possible to introduce the Agra University Bill in January or February session of the Council?

*141. Will the Government be pleased to state if the Council of Associated Colleges, the Academic Council, and the Court of the Allahabad University will be consulted with regard to the Agra University Bill before it is passed into law?

The Hon'ble Rai Rajeshwar Bali : Government will consider these questions when they receive the final recommendations of the Agra University Committee.

ABOLITION OF THE POST OF CHIEF ENGINEER IN IMPROVEMENT TRUSTS.

*142. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have decided to recommend the abolition of the post of Chief Engineers in the Allahabad, Lucknow and Cawnpore Improvement Trusts?

The Hon'ble Rai Rajeshwar Bali : A decision on this point has not yet been taken.

SEGREGATION OF PROSTITUTES?

*143. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if any municipal board has made any regulations regarding the segregation of prostitutes?

The Hon'ble Rai Rajeshwar Bali : The answer is in the affirmative.

PREVENTION OF BEGGARY.

*144. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to ask the views of the municipal and district boards of these provinces regarding the prevention of beggary in these provinces?

The Hon'ble Rai Rajeshwar Bali : The Government do not think that anything would be gained by consulting district and municipal boards seeing that they have no powers in this matter.

*145. **Dr. Shafa'at Ahmad Khan :** Has any municipal or district board passed any byelaw with regard to beggary in these provinces?

The Hon'ble Rai Rajeshwar Bali : No. Neither a municipal nor a district board has any power to make a byelaw with regard to beggary.

WATER-WORKS IN MUNICIPALITIES.

*146. **Mr. H. David :** Will the Government give the names of the municipalities where water-works are in existence which supply water unsatisfactory in point of purity?

If so, what steps did the Government take to induce the erring municipalities to remedy this, and with what result?

The Hon'ble Rai Rajeshwar Bali: The names of municipalities where unsatisfactory samples of water were frequent were Allahabad, Mussoorie and Dehra Dun, the percentage of unsatisfactory samples to the total samples tested being 18.46, 28.26 and 25.00 respectively.

No action was taken by Government, but the attention of the municipalities concerned was drawn to the defects by the Director of Public Health.

UNSTARRED QUESTIONS.

MUHAMMADAN OFFICIALS AT MAU AND GAROTHA IN JHANSI.

1. **Pandit Bhagwat Narayan Bhargava:** With reference to unstarred question No. 23 of the 6th September, 1924, will the Government be pleased to give the names of the sub-divisional officers of Mau and Garottha, district Jhansi, with the periods during which they held charge during the last ten years?

Mr. G. B. Lambert: A typed list is laid on the honourable member's table.

List of sub-divisional officers who were in charge of the Mau sub-division, Jhansi district, during the last ten years, referred to in the answer to unstarred question No. 1 for the 17th December, 1924.

Babu Gopi Behari Sahai from 3rd May, 1913.
 Mr. Walton, I.C.S. from 21st February, 1914.
 Babu Gopi Behari Sahai from 6th April, 1914.
 Mr. Walker, I.C.S. from 12th November, 1914.
 Mr. Minson, I.C.S., from 27th April, 1915.
 Sh. Haider Husain from 5th September, 1915.
 Mr. Minson, I.C.S., from 29th September, 1915.
 Sh. Haider Husain from 4th October, 1915.
 Chaube Ram Chand from 25th April, 1915.
 Thakur Bakhtawar Singh from 3rd August, 1916.
 Chaube Ram Chand from 10th November, 1915.
 Saiyid Ali Baza from 11th January, 1917.
 M. Zafaryar Khan from 23rd April, 1918.
 M. Islam Hamid Khan from 11th July, 1918.
 Mr. Shah, I.C.S., from 10th August, 1918.
 M. Abdul Aziz from 23rd January, 1919.
 Saiyid Haider Husain from 29th January, 1920.
 Thakur Mahendra Singh from 3rd March, 1920.
 Thakur Phool Singh from 17th May, 1920.
 Thakur Mahendra Singh from 15th July, 1920.
 Thakur Phool Singh from 24th August, 1920.
 M. Muhammad Ahmad from 6th October, 1920.
 Mr. Bhadkamkar, I.C.S., from 13th November, 1920.
 Pandit Govind Atma Ram Dhavale from 24th November, 1920.
 M. Muhammad Raza from 3rd December, 1920.
 Pandit Govind Atma Ram Dhavale from 6th February, 1921.
 Mr. Bhadkamkar, I.C.S., from 15th November, 1921.
 S. Muhammad Raza from 24th April, 1922.
 M. Paighambar Bakhsh from 19th October, 1922.
 Babu Jwala Prasad from 31st October, 1922.
 S. Muhammad Raza from 23rd February, 1923.
 M. Abdul Halim from 28th December, 1923.

2. **Pandit Bhagwat Narayan Bhargava:** With reference to unstarred question No. 24 of the 6th September, 1924, will the Government be pleased to state—

(a) if it is a fact that M. Nasir Khan has been Kotwal at Mau from March, 1918 to July, 1924;

(b) the date on which the present sub-assistant surgeon took charge of the Mau dispensary?

Mr. G. B. Lambert : (a) Yes, but during this period he has twice officiated as Inspector.

(b) On the 12th January, 1922. The error in the previous answer is regretted.

HINDU-MUHAMMADAN RIOT AT KASGANJ.

3. **Pandit Bhagwat Narayan Bhargava :** (1) With reference to the answer to unstarred question No. 26 of the 6th September, 1924, will the Government be pleased to give the name of the principal signatory and to lay a copy of his reply on the table?

(2) What does the Government mean by the "principal" signatory?

Mr. G. B. Lambert : (1) The honourable member may inspect the reply received, if he so desires.

(2) By "principal" signatory is meant the well-known gentleman whose signature purported to head the list.

ENHANCEMENT OF RATES OF FINES IN CATTLE POUNDS.

4. **Pandit Bhagwat Narayan Bhargava :** (1) Is it a fact that the Government made inquiries from the various district boards about the enhancement of rates of fines in cattle pounds under them a year ago?

(2) What was the result of the inquiry?

(3) Are the rates going to be increased? If so, when?

Mr. G. B. F. Muir : (1) Yes.

(2) The majority of the boards asked for enhancement of rates of fine.

(3) The honourable member is referred to notification No. 576/IX—246, dated the 23rd October, 1924, in which the enhanced rates have been published.

STATISTICS OF VERNACULAR SCHOOLS OF DISTRICT BOARDS.

5. **Pandit Bhagwat Narayan Bhargava :** (1) Has the Director of Public Instruction recently demanded from the Deputy Inspectors of Schools statistics of vernacular schools of district boards regarding the expenses incurred in each school and the plans and measurements of their buildings?

(2) Will the Government be pleased to state the reasons for making the inquiry?

Kunwar Jagdish Prasad : (1) The Director of Public Instruction has asked Deputy Inspectors to furnish certain statistics in regard to accommodation, staff, enrolment of and expenditure on primary schools. Plans and measurements of buildings have not been called for.

(2) The information is required for the use of the officer placed on special duty to examine the question of the improvement of vernacular primary education.

GOVERNMENT SERVANTS DRAWING RS. 1,000 AND UPWARDS.

6. **Pandit Bhagwat Narayan Bhargava :** Will the Government be pleased to lay before the House a statement showing the number of Indian, Anglo-Indian, Eurasian and European Government servants serving on Rs. 1,000 per mensem and upwards in the United Provinces and the number of posts abolished having the same pay?

Mr. E. A. H. Blunt : The number of posts abolished on pay of Rs. 1,000 per mensem and upwards is 16. For the number of such posts held by the various classes mentioned, the honourable member is referred to the Civil List. The numbers, of course, vary from time to time.

BRIDGES ON THE BETWA RIVER.

7. Pandit Bhagwat Narayan Bhargava : Is it a fact that the Government contemplates the construction of bridges on the Betwa river near Barwasagar and Talbehat in the Jhansi district? If so, when will the construction be taken in hand?

Mr. A. C. Verrieres : (a) Yes. The bridges are in the programme of the Board of Communications.

(b) Government is unable to say.

DISTRICT EXCISE COMMITTEE, JHANSI.

8. Pandit Bhagwat Narayan Bhargava : (1) When was the District Excise Committee established at Jhansi for the first time?

(2) How many meetings did it hold during the last three years?

(3) What is the personnel of the said committee during the current year?

Mr. E. A. H. Blunt : (1) October, 1922.

(2) Five meetings, of which two were adjourned for want of quorum.

(3) 1. Pandit Nanhun Prasad, Chairman and District Board Member.

2. M. Muhammad Husain, District Board, Member.

3. Pandit Arku Lal Vaid, Collector's nominee, Member.

4. Babu Bindraban Lal Varma, B.A., LL.B., Vakil, Member.

5. Excise Officer, Jhansi, Secretary and Member.

6. Pandit Bhagwat Narayan Bhargava, B.A., M.L.C., Member.

LIQUOR SHOPS AT JHANSI.

9. Pandit Bhagwat Narayan Bhargava : How many shops of liquor have been closed by the said committee since its establishment and how many new were established?

Mr. E. A. H. Blunt : Five shops have been closed and four have been opened.

IMPOSITION OF A VEHICLE TAX BY DISTRICT BOARDS.

10. (1) Pandit Bhagwat Narayan Bhargava : Is the Government aware that the United Provinces District Board Conference held at Benares in April last passed a resolution requesting the Government to empower the district board to impose vehicle tax?

(2) What action has the Government taken on it? If none, does it contemplate taking any action in the near future?

Mr. G. B. F. Muir : (1) Yes.

(2) No action was taken. The Board of Communications is, however, at Government's request examining the possibilities of the taxation of vehicles in the rural areas.

REDUCTION IN THE POLICE DEPARTMENT.

11. Pandit Bhagwat Narayan Bhargava : (1) Is it a fact that the posts of statistical clerks and despatchers in district police offices have been brought under reduction and the present incumbents to these posts

have been given notices of discharge from the 1st November, 1924? If so, on what conditions?

(2) Will the Government kindly make provision for those who are qualified and have become over age and will be removed without any pension or gratuity of some value?

Mr. G. B. Lambert: The honourable member is referred to the answers given to starred questions Nos. 6 and 9 of today.

12. **Pandit Bhagwat Narayan Bhargava:** What was the procedure adopted in the case of sadr qanungos in the collectorate whose posts have been abolished?

Mr. G. B. Lambert: The post of sadr qanungo (fifty in number) was abolished with effect from 1st November, 1923. All sadr qanungos who were entitled to full pension were retired from the 1st November, 1923, and the remainder (thirty-two in number) became senior supervisor qanungos at sadr, retaining their designation "sadr qanungo" on a sanctioned pay of Rs. 80 *plus* personal pay equivalent to the difference between Rs. 80 and the pay they were drawing as sadr qanungos.

13. **Pandit Bhagwat Narayan Bhargava:** Will the Government make similar arrangements for statistical clerks and despatchers who are to come under reduction?

Mr. G. B. Lambert: The honourable member is referred to the answers given to starred questions Nos. 6 and 9 today, which give details of the way in which it is proposed to compensate these clerks. Every effort has been made to avoid hardship.

14. **Pandit Bhagwat Narayan Bhargava:** Will the Government be pleased to sanction retiring pensions to those of the clerks of the Police department who have completed 25 or 30 years' service as a special case to make room for those left unemployed?

Mr. G. B. Lambert: Government is not prepared to take the action proposed as it would cause hardship to the clerks who, it is suggested, should be retired compulsorily.

ASSESSMENT OF CASH RENT ON TENANTS OF THE BALRAMPUR ESTATE.

27. **Babu Bindeshwari Prasad:** Is the Government aware that there is a general complaint that the cash rent assessed on the tenants of Balrampur estate Court of Wards in place of grain rent is too heavy?

Mr. C. E. D. Peters: The answer is in the negative. Commutation is being carried out by agreement and every tenant has had an opportunity of objecting to the rates proposed. The total number of such objections is only about 60. Those tenants who do not agree to the new rates proposed may continue to pay their rent in kind as before.

28. **Babu Bindeshwari Prasad:** Does the Government intend to institute an inquiry into the matter with a view to finding out that the rents assessed are reasonable, and that no hardship is allowed to be caused to the tenants by the officials in their zeal to raise the *nikasi* of the estate?

Mr. C. E. D. Peters: In view of the reply to question No. 27 above, the Government do not think that any inquiry is called for.

DEPUTY COLLECTORS OVER 55 YEARS OF AGE.

30. **Rai Bahadur Lala Sita Ram** : Will the Government be pleased to lay on the table a statement showing the deputy collectors over 55 who have been granted an extension, the number of times extension granted and the date on which the present extension expires ?

Mr. G. B. Lambert : The only deputy collector at present in service who has been granted an extension is Pandit Shankar Sahai Mattu, deputy collector, Farrukhabad, who attains the age of 55 on the 22nd December, 1924, and who has been granted 20 days' extension of service in the public interest.

AGE-LIMIT FOR HONORARY MAGISTRATES AND ASSISTANT COLLECTORS.

31. **Rai Bahadur Lala Sita Ram** : Is there any maximum and minimum age-limit for honorary magistrates, honorary assistant collectors and special magistrates ? If so, what ?

Mr. J. R. W. Bennett : No age-limit has been fixed.

SUB-DEPUTY INSPECTORS OF SCHOOLS.

32. **Lieut. Raja Durga Narayan Singh** : Will the Government be pleased to say for what reasons it has not yet been possible to accept the recommendations of the Council embodied in the resolution passed on the 26th October, 1922 regarding time-scale salary of sub-deputy inspectors of schools, and when it proposes to give effect to it ?

Kunwar Jagdish Prasad : The reasons are financial ; the matter is under consideration.

33. **Lieut. Raja Durga Narayan Singh** : Will the Government be pleased to state why the minimum salary of a sub-deputy inspector of schools has been brought down from Rs. 100 to Rs. 75 per mensem ?

Kunwar Jagdish Prasad : Certain provisional appointments of undergraduates on Rs. 75 per mensem have been made in order to facilitate the introduction of a time-scale of pay if funds are available.

MUSLIM SUBORDINATE JUDGES OR MUNSIFS IN MORADABAD.

34. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to state if any Muslim has acted as a Subordinate Judge or Munsif in the Moradabad district during the last seven years ? If so, how long ?

Mr. G. B. Lambert : The following Muslim officers have been posted in the Moradabad district :—

Additional Subordinate Judge—

Chaudhri Saiyid Abdul Hasan, from the 8th December, 1923 to 6th February, 1924.

As Munsifs or Additional Munsifs, Amroha—

(1) M. Muhammad Amanul Haq, from the 2nd June, 1915 to the 6th August, 1919.

(2) M. Muhammad Idris, from the 12th August, 1919 to the 20th September, 1919.

(3) M. Aijaz Husain, from the 3rd November, 1921 to the 20th July, 1922.

(4) M. Riaz-ud-din, from the 31st January, 1924 to date.

(5) M. Zamir-ud-din, from the 17th March, 1920 to the 1st July, 1920.

(6) M. Muhammad Idris, from the 29th September, 1919 to the 5th January, 1920.

Moradabad, Haveli—

M. Aijaz Husain, from the 2nd January, 1919 to the 20th October, 1920.

Moradabad city—

(1) M. Saiyid Muhammad Mir, from the 19th September, 1917 to the 15th March, 1918.

(2) M. Saiyid Jafar Husain Rizvi, from the 3rd July, 1924 to date.

Sambhal—

(1) M. Muhammad Idris, from the 1st January, 1923 to date.

(2) M. Muhammad Idris, from the 18th June, 1919 to the 9th August, 1919.

Chandausi—

M. Saiyid Jafar Husain Rizvi, from the 10th May, 1924 to the 3rd July, 1924.

35. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to order that at least one Munsif or Subordinate Judge at Moradabad should be a Muslim?

Mr. G. B. Lambert : The honourable member is referred to the answer given to unstarred question No. 22 of the 6th September, 1924.

(Unstarred question No. 22 of the 6th September, 1924, asked by
RAO ABDUL HAMID KHAN SAHIB.)

Will the Government, taking in view the proportion of Musalman population, appoint in rotation a Musalman munsif also at the Meerut Munsifi?

The answer given to the above.

The posting of Government officers is always determined by the exigencies of the public service and cannot be regulated on communal grounds. No particular munsifs are or can be reserved for Hindu or Muhammadan officers. The aim is, and will always be, to appoint the most suitable officers available at the time irrespective of caste and creed.

CASE AGAINST SADIQ ALI.

36. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to inquire into the circumstances that led to a case being brought against Mr. Sadiq Ali, an officer in the Survey department at Dehra Dun?

(2) Will the Government be pleased to lay a copy of the proceedings of the court on the table of the Council?

Mr. J. R. W. Bennett : (1) No case was brought in court against the officer named.

(2) Does not arise.

JASPUR RIOTS.

27. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to supply further information regarding the riots at Jaspur, in Kashipur tahsil, district Naini Tal?

Mr. G. B. Lambert : The honourable member is invited to inspect the District Magistrate's report.

CIVIL AND ASSISTANT SURGEONS, BUDAUN.

38. **Dr. Shafa'at Ahmad Khan :** (1) Is it a fact that the Assistant Surgeon and the Civil Surgeon of Budaun both belong to the same caste, and are residents of the same district?

(2) Is it a fact that a largely signed memorial was submitted to the Government through the Collector of Budaun in January last relating to the misconduct of the Assistant Surgeon? If so, what was the result?

Mr. G. B. F. Muir : (1) Yes.

(2) No memorial was received by Government.

MORADABAD-KASHIPUR RAILWAY LINE.

39. **Dr. Shafa'at Ahmad Khan :** Has the attention of the Government been drawn to the effect of the construction of the railway line from Moradabad to Kashipur on the inhabitants of the tracts through which the line passes?

Mr. A. C. Verrières : Yes; and the question was investigated by a committee which sat in May, 1914. The committee were of opinion that the flooding of the country could not be attributed to the presence of the Rohilkhand and Kumaun Railway embankment. On the other hand, the committee considered that the presence of the bank protected a large area of the country to the east and south-east of the line against flood. The committee were unable, in face of the evidence recorded, to account for any connection between the construction of the railway bank and the serious flooding that occasionally takes place.

CULVERTS BETWEEN SEHAL AND BHOJPUR.

40. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to represent to the railway authorities the necessity of building more culverts between Sehal and Bhojpur stations?

Mr. A. C. Verrières : The committee referred to in the answer given to the previous question were of opinion that the omission of waterways in the Moradabad-Kashipur Railway has not adversely affected the flood condition over the tract of the country to the west of the line, while it affords material protection to a large area of the country to the east and south-east. The committee were of opinion that under no circumstances would it be advisable to provide additional waterways in this portion of the line as such a proceeding might tend to divert the Dhela river and possibly also the Ramganga in this direction.

TRAIN TIMING FROM KANTH STATION.

41. **Dr. Shafa'at Ahmad Khan :** (1) Is the Government aware that the timing of the railway train from Kanth station, in the district of Moradabad, is most inconvenient to persons who have to go to Moradabad for their cases in courts there?

(2) Will the Government be pleased to ask the railway authorities to make some provision whereby the passengers can reach Kanth earlier?

Mr. A. C. Verrières : (1) Yes.

(2) The Agent of the Oudh and Rohilkhand Railway, who has been consulted, states that having due regard to the needs of stations of greater importance than Kanth it is not possible to provide a more suitable timing for Court purposes from Kanth.

ARABIC MADRASA IN KANTH.

42. **Dr. Shafa'at Ahmad Khan :** (1) Does the Arabic *madrasa* in Kanth receive any grant from the Government ?

(2) If so, how much ? If not, why not ?

Kunwar Jagdish Prasad : (1) No.

(2) Because no application for grant-in-aid has been received by the Education department.

43. **Dr. Shafa'at Ahmad Khan :** (1) What grant does the Arabic *madrasa* at village Salempur, pargana Kanth, district Moradabad, receive from the Government ?

(2) Will the Government be pleased to sanction a grant for the *madrasa* ?

Kunwar Jagdish Prasad : (1) None.

(2) If and when an application for assistance is received through the proper channel it will be carefully examined.

INTERMEDIATE COLLEGE, MORADABAD.

45. **Dr. Shafa'at Ahmad Khan :** What arrangements have the Government made as regards the Principalship of the Intermediate College, Moradabad.

Kunwar Jagdish Prasad : Babu Kishan Chand, B.A., S.C., has been appointed as Principal ; Pandit H. N. Wanchoo is officiating for him.

46. **Dr. Shafa'at Ahmad Khan :** Have the Government matured their plans for the extension of the Intermediate College at Moradabad ?

(2) If so, how long will it take them to execute these plans ?

Kunwar Jagdish Prasad : (1) Yes.

(2) About two years, subject to funds being available.

47. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the number of students in the college and school departments of the Moradabad Intermediate College, together with a list of teachers in the college and detail their qualifications ?

Kunwar Jagdish Prasad : Statements are laid on the table of the honourable member.

Statement showing the number of scholars in each class in the Government Intermediate College, Moradabad.

Class.				Number on rolls in each class.
XII	..	..	..	39
XI	..	..	..	43
XA	..	..	..	23
XB	..	..	..	20
IXA	..	..	..	30
IXB	..	..	..	31
VIIIA	..	..	..	31
VIIIB	..	..	..	29
VIIA	..	..	..	27
VII B	..	..	..	25
VI	..	..	..	36
V	..	..	..	37
IV	..	..	..	36
III	..	..	..	35
Total				442

List of teachers detailing qualifications.

Name of teacher.	Qualifications.	Remarks.
1. Babu Kishan Chaud ..	B.A., C.T.	Acting as Principal, Government Intermediate College, Fyzabad. Mr. H. N. Wanchoo, officiating.
2. Pandit Hari Har Nath Wanchoo.	M.A., B.Sc., C.T. ..	Vice-Principal, Mr. Onkar Nath, B.A., officiating.
3. Mr. Parmeshwar Dayal	M.Sc., F.P.S. (London).	
4. Mr. Abhni Kumar Sanyal	M.Sc.	
5. Bashirul Haque-Haqqi ..	M.A., L.T.	
6. Mr. Bal Mukand Jaini ..	B.A., C.T., A.C.P., etc.	
7. Babu Raj Behari Lal Mathur.	B.A., C.T.	
8. Mr. Nand Lal Mathur ..	B.A., C.T.	
9. Mr. Atul Behari Gupta..	B.A., C.T.	
10. Mr. Gyan Chandra Mukerji.	B.A., C.T.	
11. Mr. Devi Sinha Rawata	B.A., L.T.	
12. Mr. Mui Chand Sharma	B.A., L.T.	
13. Pandit Prem Ballabh Joshi.	B.A., L.T.	
14. Q. Ahmad Husain ..	B.A., L.T.	On sick leave, Mr. Mukand Lal, Agarwala, officiating.
15. Mr. Riyasat Ali Khan ..	B.A., L.T.	
16. Tajendra Chandra Roy..	B.Sc., L.T.	
17. Munshi Fida Husain ..	Matric. (Punjab) ..	Munshi Fazil, Maulvi Fazil.
18. Pandit Jauhari Lal ..	..	Assistant Master of Sanskrit. Retired on the 7th November, 1924, and the post is vacant.
19. Pandit Braj Lal Sharma	Entrance	
20. Munshi Abdul Ahad ..	Entrance, C.T.	
21. Pandit Shambhu Nath ..	Entrance, C.T.	
22. Mr. Ganga Dayal Saxena	Intermediate, C.T.	
23. Babu Kamta Prasad ..	Matric. C.T.	
24. Munshi Munawar Ali ..	Intermediate, C.T.	
25. Mr. Sundar Lal Bhatnagar.	Matric, C.T.	
26. Sardar Bhagat Singh Khalsa.	Final Examination of Mayo School of Arts, Lahore.	
27. Munshi Miran Bakhsh ..	Ditto ditto.	
28. Pandit Lal Man Sharma	Visharad (Punjab).	
29. Pandit Gauri Shankar Misra.	Acharya, 1st Part. Trained at Training College, Lucknow.	
30. Munshi Nabi Husain Khan.	Munshi Fazil (Punjab).	
31. Munshi Mushtaq Ahmad	Munshi Fazil (Punjab).	
32. Pandit Tulsi Ram ..	Trained at Training College, Lucknow. Drill Master.	

LOSS BY FLOODS AT AMROHA.

43. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to state the amount of loss sustained by the Amroha tahsil through the recent floods ?

(2) What parts of the tahsil were affected by the floods ?

Mr. C. E. D. Peters : (1) The loss sustained by tahsil Amroha through floods was as follows :—

(i) Number of whole villages affected	..	..	18
(ii) Number of villages affected	..	..	223
(iii) Number of houses destroyed	..	..	119
(iv) Number of cattle lost	..	..	29
(v) Number of plough cattle lost	..	..	8
(vi) Loss of human life	..	..	Nil
(vii) Area of crop completely destroyed	..	..	2,858 acres.
(viii) Area of crops partially destroyed	8 annas and over	10,590	„

(2) The villages situated not far from the Ramganga.

SEGREGATION OF LEPERS.

49. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state—

- (a) number of lepers in this province ;
- (b) the institutions maintained for them ;
- (c) the amount given by the Government in support of leper asylums ;
- (d) the measures adopted for the segregation of lepers ?

Mr. G. B. F. Muir : (a) The number of lepers in the province according to the census of 1921 is 12,296.

(b) There are 17 institutions at the following places:—

- | | |
|------------------------|-----------------------|
| 1. Budaun. | 9. Lucknow. |
| 2. Bahraich. | 10. Garhwal. |
| 3. Dehra Dun. | 11. Meerut. |
| 4. Moradabad. | 12. Almora. |
| 5. Benares. | 13. Chandog (Almora). |
| 6. Muzaffarnagar. | 14. Mirzapur. |
| 7. Saharanpur. | 15. Agra. |
| 8. Shahjahanpur. | 16. Roorkee. |
| 17. Naini (Allahabad). | |

(c) Grants aggregating Rs. 72,685 are given in support of the asylums.

(d) The Lepers Act has been applied to eleven districts and places have been appointed as asylums under the Act in which pauper lepers from those districts can be compulsorily detained.

SCHOOL FOR DEFECTIVES.

50. **Dr. Shafa'at Ahmad Khan :** In view of the fact that there is no school for the defectives, will the Government be pleased to establish at least one school in each division ?

Kunwar Jagdish Prasad : Government are examining the question of the education of defectives.

QUESTION *re* MEANS OF CHALLENGING THE DIS-
ALLOWANCE OF RESOLUTIONS BY THE PRESIDENT.

Babu Sangam Lal : I want to raise a point of order. What is the remedy of the members of this House if they feel dissatisfied with a ruling of the Chair, or when a resolution is disallowed by the President? The Standing Orders say that no discussion shall take place on a decision of the President disallowing a resolution. In the House of Commons the present Speaker, Mr. Whitely, came to know two years ago that certain Labour members were dissatisfied with one of his rulings and those members were allowed an opportunity to discuss that ruling. Though the House supported, by an overwhelming majority, the ruling of the Chair, yet that opportunity was given to the House. May I request you, Sir, to give us an opportunity to discuss a ruling of yours as some of us feel dissatisfied with the ruling which you gave in disallowing two resolutions regarding the conduct of Mr. Darling.

The Hon'ble the President : I do not know if the honourable members have heard the point made by Babu Sangam Lal. His point is that resolutions regarding the conduct of Mr. Darling in respect of some orders he passed in Muzaffarnagar were disallowed by me. I disallowed those resolutions on the ground that they dealt with local matters and it was not likely that members from all over the province would have any knowledge of the particular procession regarding which the orders were passed. I think in the case of Babu Sangam Lal's resolution I suggested to him that if he could bring the resolution in some general form, there would be no objection to it. Subsequently Pandit Brijnandan Prasad Misra did in fact—I think it is in the agenda for this meeting—give notice of a resolution dealing with the method by which special constables are recruited. As far as I remember, that was one of the points in which Mr. Darling is supposed to have gone wrong. The resolution of which notice has been given by Pandit Brijnandan Prasad does bring the matter under a general heading, i.e., that the Government should issue instructions condemning certain methods of recruiting special constables and suggesting more legitimate methods of such recruitment. That is the kind of resolution that I consider would be well within order, but a resolution dealing with the particular orders passed by Mr. Darling in connection with the Ram Lila festival, struck me as a matter which was purely local, that is to say, it would be quite impossible for members from Gorakhpur, Ballia, Basti, Jhansi and such other places to form any opinion as to the correctness of the orders passed dealing with the route which a particular procession in Muzaffarnagar would have to follow.

That was one point; there were other points in the resolutions—I do not remember exactly what they were—but they all seemed to be local questions. That was one of my reasons. As I told the honourable member in my reply to him in detail, I was also loath, without being driven to it, to admit a resolution in the Council that would bring or seem to bring Muhammadan and Hindu members face to face just at the present time. I did not, of course, think there would be any serious danger in that, but still if we could avoid it, we should avoid, at the present time, at any rate resolutions which would appear to bring the two

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communities face to face. When I discovered that it was a question—the subsequent resolution dealt with it—of the enrolment of special constables,—an occasion on which it was said that Rai Sahib Jagdish Prasad was enrolled as a special constable and that he had taken exception to it, I admitted a resolution on the general point, believing that in the course of the debate that other point would probably be made, though in a general way, but I can hardly allow a resolution dealing specially with the fact that the Rai Sahib was made to stand in the sun for two hours. I do not know the facts, but it seemed to me to be purely a local matter. I do not remember the terms of the resolution of Rai Bahadur Lala Sita Ram. I remember Babu Sangam Lal's resolution because I sent to him a reply in detail. I think the Rai Bahadur's resolution followed the same lines and I merely passed summary orders to the same effect. Will the honourable member kindly tell me what the terms of his resolution were?

Rai Bahadur Lala Sita Ram: My resolution was worded like this: I wanted this Council to recommend to Government to take suitable notice of the conduct of the District Magistrate of Muzaffarnagar in respect of the enrolment of special constables on the 7th October, 1924.

Will you allow me, Sir, to make a statement in that connection before you proceed to give a ruling on that?

The Hon'ble the President: Yes, but I do not want a long speech.

Rai Bahadur Lala Sita Ram: As you see, I am not in a fit condition of health to deliver a long speech and therefore I will not inflict one at all.

When I brought up that resolution, I brought it not because it was a local matter but because it is a matter in which every one of the members of the Council, at least on the non-official side, as well as I believe on the official side, is vitally interested. We are all interested in the maintenance of self-respect of every member of this House; we are also interested in the maintenance of the self-respect of the citizens of the British Empire. That is why, Sir, I wanted to bring to the notice of this House the conduct of the District Magistrate of Muzaffarnagar in calling people from their places, making them stand on a public road in front of a public thana and ordering their enrolment as special police officers on imaginary grounds. It was not any particular order of his that I wanted to draw the attention of the House to, but I wanted the Government to take *suitable notice* of his conduct and thus left them a very large latitude. I wanted that Government should take suitable notice of his conduct relating to the manner in which special constables were enrolled. I did not want to refer at all to this order so far as maintenance of law and order was concerned. But how far the District Magistrate is right in calling respectable people from their places in front of a large number of citizens of the town, in front of a large number of officers of his district, on a public road in front of a thana, make them stand and give them a good scolding and then order their enrolment as special constables—that was the point which I wanted to raise.

The Hon'ble the President: We now understand exactly what it is. I think the resolution of Pandit Brijnandan Prasad Misra covers pretty well all this and is within the rules. It takes into consideration the whole

question of special constables and the method of their enrolment. He wants instructions passed on to District Magistrates—of course the particular way in which Mr. Darling enrolled special constables could be cited as an example of how it should not be done—to enrol special constables with greater care and consideration. I think that the disallowance is amply proved to be well founded by the fact that the matter can now be discussed in connection with the general resolution.

After all, it must be remembered that if I were to allow resolutions on special points in connection with every district in the province, we should never get through our work or be able to discuss general resolutions at all. Yesterday it was only by chance that such an important resolution as the one on floods could be discussed. We began it yesterday and consequently under the rules we are able to continue it this morning. There is hardly any day when fairly important resolutions are not left untouched. My list at present has outstanding something like sixty odd resolutions—all on general subjects. I see no hope whatever of our being able to deal with those resolutions at the present rate of progress and consequently on behalf of the Council I have to stand watch and ward over them. It is no pleasure to me to play the pedagogue in the exercise of the powers vested in me in these matters. I am perfectly willing to allow any resolution that is within the rules, but when I find resolutions that are not clearly within the rules, I take the opportunity of trying to keep the agenda within some reasonable limit. That is the real basis of the whole thing.

Today when we come to Pandit Brijnandan Prasad's motion for the amendment of the Standing Orders, you will find that there is a further proposal to extend enormously the number of matters that may be brought before the Council. If that is done, we will have to sit day to day for the whole year. At the present time I am driven to exercise very great supervision in order to keep the proceedings of the Council within bounds. I think the House will generally support that view.

Bai Bahadur Lala Sita Ram : Is it to be understood that your ruling is, that where a certain officer exceeds his legitimate power, this Council has no business to bring that to the notice of the Government and has no business?

The Hon'ble the President : I cannot give any general ruling on that. I have to take the circumstances into consideration and to treat each case on its merits. It will not be possible to say beforehand whether one particular question may not have general implications that would make it advisable to allow a resolution to be moved. For instance, yesterday you discussed a resolution dealing with the *Muharram* riots at Gonda. That was a resolution of a purely local nature and at first I was inclined to disallow it. But the honourable member proposing to move it urged that it was a general resolution in that it affected the general relations between the two communities. These relations are province-wide, in fact India-wide, and his view was that the quarrel that had arisen in Gonda was connected with the general state of feelings between the two communities and that the release of these prisoners would tend to soothe the strained relations throughout the province and the country between the two communities.

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On reconsideration I allowed it, but on that ground alone. Each resolution has to be dealt with on its merits. I cannot say offhand that if any officer's conduct is giving dissatisfaction that can be brought in as a resolution. Where would you stop? If a patwari's conduct gives offence, say to a zamindar, are we going to have a resolution condemning it? Are we going to draw the line somewhere according to the rank of the officer? Each resolution has to be treated on its merits. The particular resolution dealing with Mr. Darling's method of enrolling special constables, it seems to me, we are going to have it in a form in which it is a general resolution, the form in which Pandit Brijnandan Prasad Misra has put it. That is a general resolution and asks for general instructions. I could not give a ruling that every reference to the conduct of an officer constitutes general matter fit for a resolution. There may be occasions which may bring it under general considerations, but I could not decide until I had the resolution before me.

Babu Sangam Lal : I appreciate the difficulty of the Chair, but the Council is not responsible for this state of affairs. The responsibility for it lies somewhere else. My point was that will you be pleased to establish such a convention as to allow the House to express an opinion as to whether the resolution as it was worded, should have been allowed to pass?

The Hon'ble the President : If that is the point, I will answer it at once. I will not establish such a convention. If every resolution the President disallows can be brought before the House and a discussion raised as to whether it should have been disallowed, it would simply mean that there is no President.

ELECTION OF A MEMBER OF THE FOREST ADVISORY COMMITTEE.

Pandit Nanak Chand proposed the name of Pandit Govind Ballabh Pant.

Chaudhri Badan Singh seconded the proposal.

The Hon'ble the President : As there is only one member proposed, his name will be reported to Government.

RESOLUTION *re* REMEDIAL MEASURES FOR DAMAGE BY FLOODS.

Rai Bahadur Lala Sita Ram : I rise only to say a few words in connection with this resolution simply because I consider it my duty not to let the matter pass without saying a few words. It cannot be denied that the havoc caused by the late flood in men and material and in men and beasts was of a very considerable extent. But as the darkest clouds have a silver lining this disastrous flood had also a silver lining and it was the manner in which men of all classes, of all shades of opinion, co-operated to relieve distress of their fellow human beings. The officials and non-officials, the *Seva Samitis* and District Magistrates and their subordinate officers, all vied with one another in

alleviating the distress caused by the floods. It would be ungratefulness on my part were I not to mention a few of the many District Magistrates, for instance, in Bareilly, Meerut, Agra, Messrs. Ibbotson, Marsh and Neville, who did their utmost to relieve men in trouble even at the risk of their lives. Government has done enough under the circumstances, but it has to do something more still. The demand is for remission and suspension of revenue, and I daresay Government ought to give a larger and more liberal grant in the shape of *tagavi* loans and money for the reconstruction of houses for the setting of people on their legs in places where they have been ruined. Sir, it was a divine calamity that visited us and it caused a lot of havoc. I hope Government will not hesitate, in spite of financial stringency, in giving still larger amounts of money to the districts and placing it at the disposal of the District Magistrate, assisted by public men in order to allow *tagavi* loans to be given to those for whom they are meant. I support the amendment moved by Rai Bahadur Babu Vikramajit Singh.

Rai Bahadur Thakur Mashal Singh : It is useless now to repeat the tales of disaster which have occurred in some districts of this province, but, as my honourable friend Rai Bahadur Lala Sita Ram has said, at the time these floods visited the districts the Government as well as non-officials did their best to alleviate the distress of the flood-stricken areas. Some district officers no doubt took immediate steps and did everything in their power to alleviate the sufferings of the people. I must at the same time acknowledge the great relief measures which the Hon'ble the Finance Member adopted at that time and the substantial *tagavi* loans distributed in the flood-stricken areas to the people who stood in need of them. But now there is a lull. I find in some districts a lull about further measures which ought to have been adopted for the alleviating of distress of these people. Government has sanctioned money, private subscriptions have been raised, clothing has been purchased, but now the district officers are sitting idle and doing nothing. The money and clothing given either by Government or subscribed for privately are lying idle and no steps are being taken. Government has ruled that the money they have sanctioned should not be distributed by anyone lower in rank than that of a deputy collector, but suppose there is one deputy collector in a sub-division for all sorts of other work and in addition to his ordinary duties he has been entrusted with the work of distribution of this gratuitous relief, how can he visit 300 villages for this work? So, Government should depute more deputy collectors to these districts so that they may be able to give relief in them. If the relief comes to them, say, in the month of May, what is the use of that relief? Government has no doubt granted a large amount of money for gratuitous relief, but local officers are careless in distributing it in proper time. I think even now it is late, and I can say from my experience of Hardoi district that there more than 200 villages have not received any substantial gratuitous relief up to this time, although money is in our hands. Rupees 10,000 have been privately subscribed and Rs. 20,000 have been granted by Government. This is enough, but the local authorities do not bestir themselves to distribute the money in proper time. I would ask the Government to see that the relief which they have already sanctioned is given to the sufferers in time.

Dr. Shafa'at Ahmad Khan : I think we ought to thank Government for having summoned the Council and given us an opportunity of discussing such an important matter. I do not want to go into the list of damage wrought in the Moradabad district, but I should like to mention briefly, very briefly indeed, what the loss amounts to. One hundred and ninety-seven villages have been practically wiped off—I do not know what Government means by “seriously affected”—and “796 villages have been affected.” I fail to find the distinction between “seriously affected” and “affected.” My own interpretation is that they have vanished. In any case, the loss has been very serious. I will not dilate upon the loss, but I will propose some measures for the removal of these grievances. In the first place, I asked a question of Government, that was to have been answered on the 16th December but to which I got no reply, and it was this : Was any special officer deputed to inquire into the extent of the damage wrought by these floods? My object was to ask Government if they deputed a special officer in order that he might co-ordinate the activities of the various local authorities. I think all members know that unless there is some connecting link, some central body that could link up and co-ordinate the activities of the various officers, there is a possibility of the authority of each district working irrespectively of the needs of other districts. This is very serious indeed. That is one point which I should like to put before Government.

In the next place, there is the vital problem of fodder. The cattle problem occupied the attention of the Board of Agriculture, which contains representatives from all the provinces. It passed a resolution on the 21st January, 1924. This is a very serious problem indeed. In the districts affected by the floods it has assumed large proportions. In the first place I suggest that the Forest department should allow the cattle of the affected villages to graze in the forests without charging any fees from the villagers. I may just point out in this connection that this was done in 1907 and 1908. I have got the report before me. That is one point. In the next place, I should urge that the Government should adopt special measures with a view to preserving and improving the quality and breed of the cattle. That point was emphasized by Mr. Moreland as long ago as 1914. In his report he details various proposals. I do not know what action the Government has taken so far in this matter.

I now come to the vital question of unemployment. I think the honourable members are aware that owing to the floods unemployment has assumed huge dimensions. In the villages a large number of people is without any work and in some cases they are a burden on their neighbours. I personally think that the Government ought to have started relief operations sooner. The Famine Code has made a distinction between districts that require greater relief, and districts which come under the intermediate system. Firstly, I think that when the floods visited and devastated the districts the relief works ought to have been organized and organized effectively. This is the next measure. Then, the other important point that I should like to bring to the notice of the Government is the question of *taqavi*. At the time of the floods I went to my constituency and toured through the various parts. I conversed with a large number of people, and they were unanimous in

their opinion, that if the system of *tagavi* loan is extended and applied on a very large scale there was a certainty of 20 per cent. or 25 per cent. of the amount being grabbed by the patwari. It is notorious that in the *tagavi* system patwaris do away with very large amounts, in some cases as much as 20 per cent. So I should strongly recommend that effective measures be taken with regard to this. I know it is impossible to prevent a typical patwari from appropriating what he calls his due share.

Then I come to the question of remission of land revenue. As regards this question, personally I think that remission should be granted as much as possible.

I now come to the question of gratuitous relief. I have been through the list supplied so kindly and so promptly by the Government, and in the list I find (I am referring to Moradabad) that the population of the area affected by the floods in Moradabad was 210,230. The amount granted by the Government in the form of *tagavi* loan is Rs. 2,33,410-3. In the next place the direct relief not to be recovered amounted to Rs. 44,260. Now if you divide the amount given in the form of *tagavi* loan among the number of people affected by the floods you will find that it comes to Re. 1 each. Is that amount sufficient for the people? I do not say that all the people were affected, but I do say that nearly 1,000 villages are affected. It is essential, if only to keep the people from starvation, that a larger amount should be granted to them.

Next I come to the question of a purely local matter—the question of the way in which the Rohilkhand and Kumaun Railway constructed from Moradabad to Kashipur. I have received a reply to a question which I put to the Government, and in that Government informed me that a Committee was appointed in 1914 to consider the question of the construction of culverts between Moradabad and Sahal. I still think that Government will reconsider the matter. I have visited and walked all the way to Pipalsana, a distance of 11 miles, and found that the grievances of the constituents who came flocking to me from all parts specially for this purpose were real. There were so few culverts along that way that there it is extremely inconvenient for people to travel in the rainy season. That part is flooded in the rainy season. When I went there, last year, in the rainy season, I found that the whole locality was flooded. I hope the Government will reconsider the question and ask the railway authorities to look into the matter.

Maulvi Muhammad Obaid-ur-Rahman Khan : I stand to support the resolution which is before the House. There is no doubt that the resolution is of paramount importance. It is a resolution which has drawn the attention of so many honourable members of this House. But there is one very particular thing about which I want to speak. It is about Muttra. Sir, the floods have wrought a great havoc over Muttra as will be seen from the report of the district authorities. Sir, some 84,753 people have been affected by the floods very seriously, out of which only 2,295 have received relief; that is to say, some 82,460 remain without any relief. Sir, it was only two weeks ago when I visited Muttra. I have seen people who are in distress. The part particularly affected was the Sadar Bazar. It is a place in which those people lived who used to earn their living from the cantonment, but unfortunately there are no troops these days. Therefore their

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business is not in a good condition. Moreover, the flood has swept away their houses and rendered them homeless. Almost all of them are without houses and clothes. The scene is very heart-rending. I am very sorry that there is none to help them. It is therefore very necessary that the Government should extend its helping hand to the needy people and give them loans to build houses and also supply them some blankets to protect themselves in this cold weather. I may further point out that in the district of Muttra the area of crops destroyed is 12,244 acres but the revenue proposed for remission is only Rs. 4,858. I wonder how this will give the people any relief. Certainly it is very necessary to grant some more remission.

In this connection I wish to say something about Agra also. Agra is one of those districts which have been very badly affected not only once but twice by these floods, but the Collector, Mr. Neville, has taken enormous trouble and very great interest in the alleviation of the sufferings of the people. His services are worth appreciation.

With these few words I support the resolution.

Lala Mathura Prasad Mehrotra : A resolution on the same subject was standing in my name on the agenda of yesterday's meeting, but according to your ruling we are to speak on the resolution balloted which is before the Council. I therefore speak on the resolution as amended by my friend Rai Bahadur Babu Vikramajit Singh. Much has already been said upon this by previous speakers and I do not want to repeat all those points. The calamity was unprecedented and the floods of this year rose higher than the flood marks of previous years. One day when I was reading an English paper of these provinces I came across with a note that the flood in the Ganges reached at a particular place to about 20 miles in breadth and that of the Jumna about 17 miles. Imagine for a moment this vast sheet of water and the condition of the villages affected by it. The poor inhabitants of those villages have been bereft of all their property without having a moment's notice. For days together the people were moving on the wooden planks or living on the tops of trees expecting death at every moment. I do not wish to go into all heart-rending details. All that the Government has done is really worth appreciating and the local officers have co-operated in the work to the best of their ability. There remains, however, still much to be done and I ask the Government to give full effect to this resolution, as amended, at an early date and to take all the measures that are possible to alleviate human sufferings.

Mr. Mukandi Lal : We have been reminded that this has been the greatest calamity that the people of the Gangetic and Jumnaic valley and the people of those regions of the hills through which the Ganges and the Jumna pass have met within the memory of any living man. As a matter of fact, even turning to the pages of history, I do not think we will find any other flood greater or even as big as the last disastrous flood has been. Therefore, Sir, it is quite natural that almost every member of this House who happens to be an inhabitant of those parts through which these floods have passed should like to enlighten this House about the calamity and havoc caused by the floods. It is on occasions like these that the heroic qualities of the people are tried. It was in the great disaster of the *Lusitania* that the

heroic qualities of the passengers of the *Lusitania* were tried. Similarly, the heroic qualities of the people have been tried in this country and other countries in times of great calamities and sufferings during wars. In the same way the heroic qualities of the officers and non-officials of all those parts through which these Gangetic and Jumnaic floods have passed have been tried and we are now paying tribute to those who have helped the people in their sufferings and in their hour of need. It is quite in the fitness of things ; but at the same time it is quite proper that this House ought to urge upon the Government that better methods of rendering help to those people who have suffered should be adopted by the Government.

I shall now narrate to the Council the extent of the disaster which overtook the people of the three districts, besides my own district of Garhwal, which I happened to pass through immediately after the floods, I mean the districts of Dehra Dun, Saharanpur and Bijnor. In Dehra Dun there has been a very heavy loss of life. About 300 people fell victims to the floods. The havoc in Rikhikesh is beyond description. The flood-stricken people were seen hanging on the branches of the trees and sitting on rocks. Thanks to the help rendered by the *sadhus* of Baba Kamliwala that their lives were saved. In Hardwar the Civil Surgeon told me that he had seen Indian ladies being swept away on the thatches of their huts and with parrots in their hands, crying for help and rescue. If such a thing had been told by an ordinary passer by I would have been reluctant to believe it, but coming as it does from a reliable official of the Government, there can be no doubt about its accuracy. It is to provide for an emergency of this kind that my honourable friend Rai Bahadur Babu Vikramajit Singh suggested the other day that at least one steam-boat or motor-boat should be kept in readiness on the banks of the rivers to help in saving the lives of men. I shall now take up my own district of Garhwal. Here the calamity has been very effective. I say "very effective" deliberately. In the plains the floods may demolish the houses, swamp the fields, and destroy the crops, but in the hills they create a havoc, for which there is no remedy. In the hills there have been great land slides—a fact which I suppose the honourable the Senior Member of the Board of Revenue will be able to bear out, having passed through that part of the country only recently. The result is that the floods have swept away the clay from the rocks, made deep and wide cuts and no crop there can grow now. The whole land is barren. Houses have also been demolished. In order therefore to enable the villagers to re-construct their houses, it will be necessary for the Government to provide them with suitable Kaiser-i-Hind land or barren land, as they call it, from the forest. Roads have also been destroyed. The Government knows that Rs. 47,000 have been spent by the District Engineer of Garhwal on the re-construction of a small foot-path, two or three feet wide, to carry passengers from one place to another. It is at the same time estimated that in order to carry out repairs of the roads and bridges a sum of over 5½ lakhs will be required. This estimate of course leaves out of account the damage done to the roads under the district board, and here the expenditure must be enormous, as quite a large number of roads, with by far a longer mileage, are under the control of the district board than those under the Public Works department. If, therefore, Government wants to establish communication from one village to another, it will have to grant a larger

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sum of money to the district boards than the sum asked for by the Public Works department.

It is very unfortunate that whenever information has to be collected in respect of my district or the district of Almora, Government is unable to do so. From the statement that has been supplied to us, honourable members will find that the extent of the loss and damages in Kumaun have not yet been discovered. I do not know when it will be so done. We are told that the losses of cattle and human beings are 1,500 and 22 respectively, but they are merely estimates, and shall I say under-estimates. Actual figures will be certainly more than these. It appears to me, as has been pointed out by one honourable member, that it is necessary to appoint a special officer to visit all the flood-stricken areas and to make investigations on the spot as to the actual damage at each place. I have personal knowledge of my own district and I know what has happened there and how the information has been gathered. The Deputy Commissioner wrote to the sub-divisional officer of each sub-division to collect information. They asked their patwaris to send them information and these patwaris said that great damage had been done. Fields have been washed away and cattle have been swept away, but this information did not contain facts and figures. They did not care to take trouble to find out the real facts. The patwari has to look after about 80 villages and these 80 villages cover about 15 to 20 miles in area. So naturally he could not gather information as to the actual extent of the damages. What has actually happened is that some villages have been swept away and the people are living in thatches or small huts. Perhaps this information might not have reached the district headquarters, yet they are suffering. I therefore would ask that a special officer ought to be deputed to investigate in the flooded areas to find out as to what is the actual extent of the damage and to devise means, because it is natural that every flood-stricken area does not require the same kind of help. I however think that in the Garhwal district the people would not like the *taqavi* all over. It is only those villages which have suffered that would require certain kind of help from the Government which I understand Government would be prepared to give to build their houses, etc.

Then comes the question which refers to parts (a) and (b) of the resolution, that is to say, how is the land revenue going to be realized from the people for those villages which have been washed away. In cases where crops have been destroyed only for one season, can revenue be remitted for that part, but in the case of those villages which have been practically washed away and where no crop can be grown, the land revenue ought to be remitted altogether.

The next question is, as to who is going to help the people and how is the help that is going to be given by the Government going to be distributed? As it has been pointed out, Government officers have their own difficulties, and I am prepared to sympathize with them. We must make an allowance for all these things. But we should not forget that they have their prejudices too. I would suggest that for each flood-stricken area there ought to be a committee or at least representatives of the people who come to the Council who ought to be consulted. The district officer ought to work in co-operation with the leaders of the

district or at least the representatives of the people in this Council as to how help can be rendered and as to whom help can be given and how the actual figures of damages done by the flood can be obtained. As there are several other members anxious to speak, I will not speak any further and I resume my seat lending my support to the resolution.

Khan Bahadur Maulvi Muhammad Fasih-ud-din : Ordinarily I would not have spoken on this subject in the face of the speech that has been delivered by my honourable friend Chaudhri Badan Singh, but my apology for doing so is the fact that the statement which has been kindly supplied by the Government will show that my district of Budaun almost tops the list of the affected districts with as much as 350 square miles of seriously affected area and as much as 941 square miles of partially affected area. Another apology for my doing so is the fact that, as President of the local non-official Relief Committee, I had occasion personally to inspect some of the parts of the district which had been seriously affected. The scene which a belt of about 100 miles in length and of about 10 miles in breadth presented was simply indescribable. It was heart-rending. I found village after village a heap of ruins and in fact there was absolutely no sign of any village in some places. That was the condition. In the municipal town of Sahaswan, which lies along a tributary of the Ganges, the scene was still worse. The whole of the town was in ruins except a few mohallas in the centre. The residents of that town one fine morning at about 4 o'clock found themselves in the midst of the flood. Water was creeping into their houses and they had no option but to run to the top of their roofs, chappars and to the top of their walls. That was the condition of Sahaswan. In another part of the district which was about 20 miles from Sahaswan one of the agents of a relative of mine happened to be in a certain house on a mound. He had about eight or nine boats at his disposal. He used to send a daily account of what was happening by means of a boat to his master. I used to read those letters. He saw corpse after corpse coming from the upstream from other districts. He also saw chappars floating about with people on them. Infants and females were crying out for help. Their faces showed anxiety as if they were going to the gallows. All this happened in the presence of that agent. This is the account of the district to which I belong. I am very thankful to the Government for having given us Rs. 40,000 as gratuitous relief and about Rs. 1,29,000 as *taqavi*, and while acknowledging the splendid services of Mr. Nethersole, who, at the risk of his life, had to wade through mud and water for days and days, I am afraid that the financial help that has been given is not at all enough. I think that it ought to have been double of as much as has been given. There are 1,062 villages which have been affected by these floods and taking this number I find that the average of *taqavi* per village comes to about Rs. 10 per village and of the gratuitous relief comes to about 5 or 6 annas. I find that in Budaun the *taqavi* that has been given is from 4 or 5 to 6 rupees per head and at the outside this amount is only Rs. 10. For this severe loss that has been entailed upon my district I think that the amount that has been given is only a pittance and it is only a drop in the ocean and we will be thankful if the Government gives at least as much as it has already given and also as well direct the district officers to associate the non-officials also with its distribution, as hitherto the distribution, I am

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sorry to say, has been made only through officials. With these few remarks I give my whole-hearted support to the amendment of the resolution in question.

Lt. Raja Durga Narayan Singh : I must thank the Government for giving timely assistance to flood-affected areas. I have only a few words to say regarding my district. The district officials took prompt action in rescuing the lives of several thousands of people and especially the District Magistrate, Mr. Collett, took special pains to give every sort of relief. What I want to say here is that the help that has been given to my district has not proved sufficient to give the required relief to the people of the district. I would therefore request the Government to consider the case of Farrukhabad as well, and I hope that the Government will ask for a report from the District Magistrate again about the district and it will then know that the help given by the Government has been entirely inadequate. Much has already been said on this resolution and I do not wish to add anything more. I whole-heartedly support the resolution as amended by my honourable friend Babu Vikramajit Singh.

Hafiz Hidayat Husain : I do not propose to detain the Council by reiteration of what has already been said on the various points that have been raised in the discussion of this resolution, but I wish at the outset whole-heartedly to associate myself with all that has been said with regard to the noble efforts that the Government officers have made on this occasion for the relief of the sufferers. In the districts of my own constituency—Fatehpur, Cawnpore and Etawah—all that was humanly possible was done by the District Magistrates, and I am perfectly sure that even now all that is possible in the remission of revenue and rent and in the liberal grant of *tagavi* will be done by them, but I wish to place before the Council certain matters that merit consideration. So many houses have been demolished that it is absolutely necessary that the Government should give relief to the people for the construction of their houses in the same way as has been done for the purchase of seed and cattle. Only this morning while motoring from Cawnpore to Lucknow I found that on either side of the road houses had been demolished and washed away and I saw people sitting either under the shade of trees or under grass thatches, which, I am afraid, cannot protect them from the inclemency of the weather. Therefore I ask the Government to advance the tenants enough money in order to enable them to re-construct their kacheha houses.

The second point, Sir, which I am afraid has not yet been touched upon by any member is the larger question of the management of forests. I am afraid there has been so much disforestation in these provinces that floods like this may be, if not of annual, of frequent occurrence. I am indebted to the courtesy of Mr. Billson for having given to me a copy of his introduction on a book of practical forest management in which this point has been discussed, and it reflects my views so faithfully that I apologize to the Council for quoting from it. It says :

“When the mountains are laid bare all is ruined. The rains fall in torrents and rush off the denuded soil. They first carry off the vegetable cover. The mountain shows its rocky skeleton, the rocks break up, cones of erosion are formed, landslides, gullies, unstable slopes become

so many running sores by which the substance of the mountain is carried down. The rocks offer more or less resistance according to their texture, but none withstands.

With forest destruction on the hills the streams dry up or become raging torrents, their beds choked with debris. The forests of the United Provinces only cover 7 per cent. of the whole area: a totally inadequate amount. Much of this small area is given up to grazing, and efforts are constantly being made by interested parties to reduce the already inadequate area of the forests."

My submission is that this disforestation is a very ruinous policy, and I think the Government ought to discourage disforestation as far as possible. The last point which I urge is that in all the districts which are situated on the banks of rivers there ought to be at least a motor-boat to save the people from calamities like these. I took an humble share in the saving of lives in co-operation with my District Magistrate and it enabled me to see people in the most pitiable condition, I found them hopelessly floating perched on thatches on the river, but, alas, we could not render any assistance to them as we were not in a position to reach them. The result was that so many deaths occurred, many in our own presence, that the scene was most horrible. I would therefore suggest that all the districts that are situated on the banks of rivers should be provided with a motor-boat which will be of great use in saving lives at the time of the present floods, the like of which, God grant, may not occur again.

The Hon'ble Mr. S. P. O'Donnell: I am glad to have this opportunity of amplifying and supplementing the statement which was laid on the table of the Council yesterday. That statement will have given the Council a general idea of the extent of the disaster and of the steps taken to remedy it. But there are various matters on which the Council will naturally desire further information. That information I will endeavour to give to honourable members. It is also our intention to bring out a resolution which will describe in greater detail than is practicable in the course of a speech the course of events in each division, the measures adopted and the progress of re-construction. In particular that resolution will give an opportunity for acknowledging the splendid work done both by officials and non-officials in rescuing life and providing for the immediate necessities of the people affected. I think it is agreed on all hands that the officials worked with courage, energy and devotion and that their efforts were splendidly seconded by non-officials—by *Seva Samitis*, by zamindars, by merchants and others. We have received long lists of the names of gentlemen to whom the thanks of the Government and the people are due and we intend in the resolution to acknowledge suitably their services.

One honourable member has suggested and several other honourable members have seconded that suggestion, that we should provide steam launches in every district liable to floods. I have no doubt that had steam launches been available when these floods occurred, they would have been of great service. The difficulty I see is this. I do not know exactly the cost of a steam launch, but it must be in the neighbourhood of 15 to 20 thousand rupees, and therefore if we are to provide such launches for every district which is liable to floods, we shall have to spend something like four lakhs of rupees. Also there would be considerable recurring expenditure on the maintenance of these launches. On the other hand, it might well happen that the launches

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would not be required. Floods, of course, occur every year, but a flood on this scale has not been known before. It may well be that such a flood may not occur again for another 50 or 100 years and by that time our steam launches might be scrap iron. I do not say that that disposes of the suggestion; I am prepared to examine it, but I cannot commit myself to accepting it at present. There is no immediate necessity for a decision on the matter because it is hardly likely that next year we shall have a flood as disastrous as the one which occurred this year.

It has been suggested by one honourable member that a special officer ought to have been deputed to visit the affected areas and to co-ordinate the measures to be adopted. We did not appoint such an officer, and I cannot agree that any useful purpose would have been served by doing so. I cannot see how a single officer could have traversed those immense areas, examined the position and made recommendations. In fact if we had adopted that course, we should be still waiting for his report and most disastrous delay would have occurred in the provision of relief. That does not mean that we took no steps: on the contrary, we took very practical steps. In October a Conference with Commissioners was held at Lucknow. We discussed with each Commissioner the position in his division and laid down the policy to be followed.

I come now to the measures of relief taken. These have practically been in the same form as recommended in this resolution. In the first place we placed at the disposal of Commissioners and District officers just under five and a half lakhs of rupees for free distribution. We imposed no restrictions whatever on the objects for which this relief may be given. It may be given for food, for clothes or for re-building houses. In the second place we have similarly placed at their disposal nearly 28 lakhs for *tagavi* and all this *tagavi* is being given free of interest and recoverable in very easy instalments. This *tagavi* too may be given not only for cattle and seed but also for the re-building of houses. It has been said that the amounts given have been inadequate in various places; Fatehgarh, Badaun, Muttra and Cawnpore divisions are mentioned. I wish to make it clear that if more money is required, there will be no objection on our part to allotting it. We have granted all the sums that have been asked for. I will see that copies of the remarks made by the members of the places to which I have referred are sent to the Commissioners concerned, and the Council may rest assured that if any further sums are required, they will be made available.

The third measure of relief is suspension and remission of revenue. There are definite rules on the subject in the Board's circulars, but we recognize that the disaster was unprecedented and we desire to deal liberally with landlords and tenants in this matter. The figures shown in the statement are only provisional, they are not yet final, but the Council may rest assured that we shall deal liberally with the needs of the people in this matter.

Part of the resolution refers to the remission of revenue on land which has been made unculturable. That is also a matter for which there is definite provision in the Board's circulars. In fact there is very little land which has been permanently damaged. I am glad to say that the rivers deposited not sand but silt, and in consequence the fertility of the soil has been increased. The position is different

in Kumaun. Undoubtedly damage has been done in Kumaun to the terraces and to the rice fields. I recently had a conversation with Mr. Wyndham, the late Commissioner of Kumaun, on the subject and he tells me that it is unlikely that the people there will care to take advances for the purpose of re-establishing their cultivation, but we intended to place money at the disposal of the Commissioner to help the people if they so desire in re-constructing their fields. And of course the question of remitting or reducing revenue will be dealt with under the standing rules. As a matter of fact the land revenue in Kumaun is extremely low: the average revenue paid per head is about Re. 1, so its remission or suspension is not likely to make any serious difference. But anyhow the standing rules will be followed.

The Council will like to know what progress has been made in re-construction. I am glad to say that from the reports so far received recovery is more rapid than was at one time anticipated. It is anticipated in the Lucknow division that about 80 per cent. of the normal area will be sown. In Shahjahanpur the whole area prepared before the floods will be sown and a good deal more besides. In Moradabad half the normal area will be sown in the worst affected tahsil, Hasanpur. In Budaun there will be an increase over the normal. In Fatehgarh the *rabi* area will be 200 per cent. of the normal area—an increase of 100 per cent. In Etah the area sown will be above the normal. In the Meerut division from 50 to 55 per cent. will be sown. I think myself that these are probably under-estimates and that the area sown will be nearer 75 than 50 per cent. The re-construction of houses has not proceeded far yet because the whole energies of the people have been taken up in sowing the *rabi* and they have meantime lived in temporary shelters, but whatever sums are required for re-building will be provided.

One member referred to the damage done to the roads. Of course there has been great damage done to the roads and a heavy loss to provincial revenues. The roads under the Public Works department will be repaired in due course and we also intend helping the district boards liberally to repair their roads. I think about 6 or 7 lakhs will have to be provided to enable them to repair their roads. In Kumaun there has been very heavy damage and large allotments will have to be made.

Raja Jagannath Bakhsh Singh : Will the money given to district boards be grants or loans ?

The Hon'ble Mr. S. P. O'Donnell : I am afraid they will have to get grants.

One member made some observations in which I took great interest. He referred to the question of deforestation and the effect it has on the plains, and to the service forests render in preventing floods. I agree with every word he said. That is why we have been endeavouring to save the forests in Kumaun. I hope the Council will bear his speech in mind when next we come to discuss Government's forest policy in Kumaun.

I am glad to say that there has been no outbreak of epidemic this year. Quinine and Cinchona have been freely distributed and arrangements were made for burying the corpses of cattle, often with very great difficulty as even Chamars refused to assist. The health of the people is on the whole reasonably good.

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The last part of the resolution suggests that a committee should be appointed to co-ordinate and regulate the relief operations. I entirely agree with the amendment proposed by Rai Bahadur Vikramajit Singh. I do not see what purpose would be served by the appointment of such a committee. It is not a question of devising a policy, because we are all agreed on the main lines of policy: we are agreed that free grants should be made where necessary; that *tagavi* should be distributed liberally and free of interest, and that there should be remission and suspension of land revenue on a liberal scale. There is no difference of opinion therefore with regard to the policy. The execution of this policy is clearly for district staffs, and for relief committees, which, as Rai Bahadur Vikramajit Singh reminded us, have been established in every district. I trust that what I have said will have satisfied the Council that we are doing everything possible to relieve the people and that there is every reason to suppose that recovery will be more rapid than was at first anticipated from the effects of this blight. If the honourable mover will accept the amendment of Rai Bahadur Babu Vikramajit Singh, and on the other hand if Rai Bahadur Babu Vikramajit Singh will not press his proposal for steam launches—which I will examine—then I shall have no difficulty in accepting this resolution, it being understood, as regards parts *a* and *b*, that I do not accept them literally but as meaning that relief is to be given liberally and on a scale commensurate with the disaster.

Rai Bahadur Babu Vikramajit Singh's first amendment [to omit clause (e) of the resolution] was put and carried.

The second amendment was, by leave of the Council, withdrawn.

Pandit Nanak Chand : I wanted to put a question to the Hon'ble the Finance Member with regard to clause (d) of the resolution. I want to inquire whether this clause will apply only to agriculturists or also to others who are not agriculturists, for instance labourers, artisans and other people living in the affected areas.

The Hon'ble Mr. S. P. O'Donnell : I think that free grants can be made wherever they are reasonably required, that is, if they are required by people who have been affected by the flood, for example for building houses. For this purpose we have already given money in certain areas.

Pandit Govind Ballabh Pant : I do not want to inflict a speech but simply to make one or two suggestions. I thank the Hon'ble the Finance Member for accepting the resolution. There are occasions when all in this House should rise above party considerations, and I think this is one of them; and I hope in conducting relief measures and distributing the money that is placed at their disposal by the Government the district authorities will follow the same principle. I do not consider it necessary in connection with this resolution to enter into any controversy as to the incidence of land revenue in Kumaon—but I may remark in passing that the observations of the Hon'ble the Finance Member do not fit in with the statements of the settlement officers themselves. I hope money is going to be placed at the disposal of the district board of Naini Tal for repairs to roads and bridges that are under the district board. In that district the roads

in charge of the district board have been completely washed away in some places. I may also remind the Hon'ble the Finance Member that the sub-clauses of the resolution proposed by Thakur Sadho Singh does not exhaust the methods of granting relief. At the top we have asked for adequate and effective relief measures : no specific mention has been made of remission of rent in Government estates as it was a matter which affected only part of the province. But I would submit that that point should be borne in mind, as I know many villages in the Government estates have suffered more seriously than any other parts of the province. I submit also that the figures given do not show that so far Naini Tal's need has been fully appreciated, but I trust there will be no further need for us to bother the Finance department or anybody else in this connection, as the Deputy Commissioner is sympathetic enough, and the Finance department will, I hope, in this connection at least deal sympathetically.

In this connection I have received some letters in which I have been told that there were certain villages which have been washed away altogether and that formerly there were three other villages where people carried on cultivation and also resided. Now they propose that in the place of the villages that have been washed away they might be given the villages that have been taken inside the forests. My information is that they are not very necessary for forest purposes. So, I hope this suggestion also will be sympathetically considered.

Yesterday I received a telegram in respect of the trouble of the cultivators in Government estates, specially in the vicinity of the Kosi river, where the headworks have been washed away. I know Government will be put to considerable expenditure in repairing them ; and in some cases they have to build new ones altogether. But some sort of arrangement . . .

The Hon'ble Mr. S. P. O'Donnell : I understand from the Commissioner that actually a temporary bund is put up and water is being supplied.

Pandit Govind Ballabh Pant : I hope material from the forests will be freely given to those whose houses have been washed away and that every sort of financial assistance will be given to them.

There is only one general observation that I wish to make, and it is this, that such measures are generally regarded as gratuitous relief measures. I submit that that is not a correct view to take in accordance with the accepted principles of social and political science today. The State owes an obligation to those from whom it realizes taxes. Governments in other places have accepted the liability to provide work for those who want it, to provide means for those who are born and live in society. There are countries where measures have been taken to meet the difficulties of those who are unemployed, where houses have been provided for the poor, where old age pensions have been provided. On principles like these it is obvious that it is the right of the people who are subjected to calamities like this to get help from the State, when we consider that more than half the revenue of these provinces is received from persons who are directly or indirectly benefited from land and that it is on their hard toil that all others are brought up, you will find that they have not only a moral but also a legal right to get such assistance.

Babu Sangam Lal : I propose to confine my remarks to one recommendation contained in clause (d), viz., making free grants for housing arrangements. From the figures supplied to us I find that more than 7,000 villages have been affected and about 2½2,000 houses have been swept away. In this connection I want the Government to adopt a definite policy. They have not yet been able to solve the problem of village sanitation and of model villages. If they adopt a definite policy, I think they will be able to solve these two problems to a certain extent. The resolution recommends to the Government to make free grants of money for housing purposes. If the Government makes free grants of money, they can impose certain conditions, and if they adopt a definite plan, I think model houses can be built. I do not mean to say that people should use any particular material, but certainly they should be asked to dig not near their houses but at some place which is at a distance, so that the pits may not become breeding grounds for mosquitoes. At present our houses are nothing but mere piles of huts and the problem of improving, cleaning and providing them with light is a very difficult one because they have not been built upon a definite plan. If the Public Health department draws up a simple plan, this problem can be solved to a certain extent. I hope that when the Government makes this grant, they will consider this aspect of the question.

Maulvi Zahur-ud-din : In supporting the resolution which has been amended I will just confine my remarks to a few points only. In the first place I would submit that the information collected and placed on our tables regarding this matter is not quite correct. It is mainly based upon information gathered from patwaris. I would illustrate my contention by saying that these patwaris have informed us that about one lakh of cattle have been destroyed. It is said that out of these only 17,000 are those that are used for cultivation purposes. It is hopelessly impossible that mostly those cattle suffered that were not used for cultivation purposes. The next point that I wish to point out is with regard to crops. I can say from my own experience that crops that have been totally destroyed have been shown as less than eight annas. My next point is that the relief granted by the Government is hopelessly inadequate. As an illustration I would submit that in these provinces 242,543 houses have been destroyed. The Government have granted only Rs. 4,20,504 for this purpose and this means that for every house two rupees have been given. The Council can easily see how a tenant will be able to build his house with such a paltry sum as Rs. 2. Supposing a house contains on an average five souls, then this comes to about six annas and six pies per head.

The number of villages that have been shown as destroyed is 3,255 while the number of villages affected is shown as 7,801. I submit that if a village has only to show a single house, the patwari has shown that village as still living. Now I come to the crops. It has been admitted that 3,317,234 acres of crops have been destroyed. As against this the Government have advanced Rs. 22,80,812 which means that only ten annas per acre has been advanced. This is rather ridiculous. A tenant has not only to purchase seed but he has also to purchase bullocks. For this purpose this ten annas would help him in no way. As for the subscriptions the amount is about Rs. 4,20,504

while the population affected is about 34 lakhs. So every man is to get Rs. 2-10-8.

I have to make a few remarks about my own division—I mean the Rohilkhand division. The Rohilkhand division is the one that has suffered most terribly—Moradabad, Bareilly and Budaun top the list. There the average per house comes to about four or five annas only.

(Raja Shambhu Dayal proposed the closure of the debate.)

I beg to submit that the distribution of flood relief is quite uneven in the Rohilkhand division and that more attention should be paid.

Thakur Sadho Singh : As the resolution, as amended, has been accepted by the Hon'ble the Finance Member, I would simply say a few words more. It has been said that recuperation in many places is quite early in sight. I would beg to say that this is not so. In some places I would say the losses are far greater than they appear to be, and in spite of general terms and very sympathetic terms in which the Hon'ble the Finance Member has accepted the resolution, I would draw his attention to see that members of the Council and other public men will be consulted duly about the losses and the nature and extent of the necessary relief and in the distribution of *tagavi* which is not being done in some places. As for the remission of land revenue and rent I hope he will bear in mind that the way in which the estimates of damage are prepared is simply traditional, and that, as the nature of the calamity is so very serious, and extensive, due and sufficient notice will be taken of this fact. As for *tagai* loans I would say that in several places the amount distributed among the people is very very low or simply nominal, even where the loss has been enormous and the amount distributed does not come up to even as much as Rs. 10 per agriculturist family. Surely that cannot be called in any way adequate or sufficient. Further, at other places there has been very great difficulty in bringing to light the actual condition of the poor, suffering masses and certain unfortunate incidents have also occurred. It was for such reasons that I had put in clause (e) in my resolution. I would beg the Council to see that district officers use their authority not to the prejudice of the interests of the public, in this respect as otherwise it would be very difficult to help the suffering people when necessary. I am sorry to say that there was not much enthusiasm among the honourable members of the Council to appoint a committee which would have even visited some of the affected areas. If I am not very incorrect in my judgment, I think this was the most proper thing for popular representatives to do as they would have controlled and known through the committee how things are being done actually. It is quite a different thing on paper here from what is being done actually in the areas affected.

I would further suggest that something might be done by the Forest department or the Agricultural department for fodder supply. I hope the Government will like to move district officers to close cattle markets in affected areas for the next three or four months, because the pressure of hunger and the scarcity of fodder would drive many people to sell many of their remaining cattle to butchers during the period. I would also draw the attention of the Government to the question of serious unemployment prevailing among males and females in the affected areas.

The resolution, as amended, was put and adopted.

At this stage the Council adjourned for lunch for three-quarters of an hour.

After the adjournment—

MOTION FOR LEAVE TO AMEND THE STANDING ORDERS.

Pandit Brijnandan Prasad Misra : I move for leave to amend the Standing Orders for the conduct of business and the procedure to be followed in the United Provinces Legislative Council.

The Hon'ble the President : The motion is that Standing Order No. 1 (e) should be amended as follows :—

“(e) ‘Select Committee’ means a body of persons to which a Bill or a draft amendment of Standing Orders is referred by the Council, in accordance with the provisions of these Standing Orders.”

and the following new definitions be added :—

“(d) ‘Member in charge’ means, in the case of a Bill, the member who introduces it, and in the case of a resolution, a motion or an amendment, the member who moves such resolution, motion or amendment.

(e) ‘Motion’ means the statement of a matter brought forward by a member for the decision of the Council, and includes an amendment of a motion.

(f) President includes the Deputy President or a Chairman of the Council when such Deputy President or Chairman is, for the time being, presiding.”

Does any honourable member object to this amendment being made in the Standing Order ?

The Hon'ble Mr. S. P. O'Donnell : I object.

The Hon'ble the President : As an objection has been raised, I call upon the honourable mover to explain.

Pandit Brijnandan Prasad Misra : The amendment that I wish to propose in Standing Order No. 1 is intended to provide for certain things which are not met by the existing definition.

The Hon'ble the President : Is it the idea of the amended definition that the Select Committee should have on it persons who are not members of the Council ?

Pandit Brijnandan Prasad Misra : The Government have already the power to nominate one or two experts on the Select Committee, who may not be members of the Council.

The Hon'ble the President : Where is that power ?

Pandit Brijnandan Prasad Misra : This is generally done in practice.

The Hon'ble the President : I think the honourable member has in mind the provision made in the Government of India Act under which the Governor has the power to nominate to the Council one or two experts who may not be members of the Council for the purpose of legislation. I think it would be contrary to the dignity of the Council, if persons, not members of the Council, were asked to serve on Select Committees and they should be free to refuse to act.

The Hon'ble the President asked those members who supported the amendment to stand up. More than twenty non-official members stood up and leave to move the amendment was therefore granted.

STANDING ORDER No. 5.

The Hon'ble the President : The proviso to clause (4) of Standing Order No. 5 runs :—

“ Provided that a member whose election has not been approved by the Governor shall not be proposed as a candidate during the continuance of that Council.”

Does any member object to it ?

The Hon'ble Mr. S. P. O'Donnell : I object to it.

The Hon'ble the President : Members who support the amendment should stand up.

More than twenty non-official members stood up and leave to introduce the amendment was therefore granted.

STANDING ORDER No. 6.

The Hon'ble the President : The proposal is to add the words “ and of motions ” between the words “ resolutions ” and “ given ” and to add the following proviso after sub-clause (2) :—

“ Provided that no motion shall be introduced for ballot which is for the adjournment for purposes of debate, for amendment of motions, resolutions or Bills pending before the Council or for the reduction or admission of grants or items in grants, in the budget or supplementary estimates.”

The President then asked whether it will mean that motions concerning private matters may be introduced for discussion in the Council.

Pandit Brijnandan Prasad Misra : No private matters will be introduced. Matters relating only to public importance will be introduced. My definition does not in any way restrict the powers of the President to disallow motions that are not in order.

The Hon'ble the President : This proposal will concern my successor. The proposal is that the word “ motions ” be added. The honourable member has not made any restriction in the definition as to whether these motions should be of a public or private nature. If that is so, there can be no question whatever that the amendments now proposed are *ultra vires*, for the definition of a resolution in the rules is this :

A motion for the purpose of discussing a matter of general public interest.

If it is a fact that an honourable member's motion is not a private motion, but deals with a matter of public interest, it becomes a resolution *ipso facto*, and under the rules a resolution must be so framed that it is merely a recommendation to the Government. There are two things, private matters and matters of public interest. If it is a private matter, we have no right to discuss it in the Council, but if it is a matter of public interest, it becomes *ipso facto* a resolution. The rules already deal with the terms of resolutions and no President under the rules can admit resolutions which are not framed in the form which is allowed by

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the rules and any amendment of the Standing Orders repugnant to the rules made under the Government of India Act would be *ultra vires*.

Rai Bahadur Lala Sita Ram : I do not see that the difference between the words "motion" and "resolution" has been sufficiently understood, e.g., an address to the Governor will be a motion and not a resolution.

The Hon'ble the President : Yes. There are special Standing Orders dealing with them.

Rai Bahadur Lala Sita Ram : That would be a motion. Under the present Standing Orders there is no relative precedence given to motions. You probably remember that in this House a motion brought by Mr. Zafar Husain, the member for Fatehpur, as it was not balloted, was relegated to the very last item on the agenda. If the honourable member wants that the relative precedence of a motion should also be determined by ballot, I do not quite follow the difficulty.

The Hon'ble the President : I drew attention to the fact that the motion that is now before the House and the terms of subsequent proposed amendments deal with every sort of matter that can be brought forward for decision. They are not confined, as far as I can see, to public matters. The honourable member states that they are confined to matters of public importance. To that extent the definition will have to be amended in committee. Assuming that that amendment has been made, where a motion is confined to a proposal which calls for the decision of this Council and deals with matters of public interest, then it becomes a resolution, and there is no point in the proposed amendment, because we can already under the rules bring a resolution and anything repugnant to those rules will be *ultra vires*.

Pandit Brijnandan Prasad Misra : The definition of motion is given on page 32. Thus the definition of motion already exists in the Standing Orders, and although it is not very clear, I also do not import any fresh thing into the definition, except that I am including the amendment of a motion also in the definition of the motion. All the difficulties which have been indicated by you, Mr. President, do apply with all force to the existing definition and they would not apply to my definition any more than they do now. If private questions can be introduced under the present definition, it would be then and then only that they might be introduced under the cover of my definition also and not otherwise.

The Hon'ble the President : There is no definition of motion given in the Standing Orders.

Pandit Brijnandan Prasad Misra : It is at page 32, paragraph 55. The Hon'ble the President then read the paragraph and said that there was no definition there.

The Hon'ble the President : Has the honourable member the leave of the Council ?

The requisite number of members having stood up, leave was given.

At this stage the Hon'ble the President announced that it was most inconvenient for the honourable members to stand up every time an amendment was proposed. He would therefore read the proposed amendments all together.

The Hon'ble the President then read the following amendments.

EXISTING STANDING ORDER No. 7.

To Standing Order No. 7 *add* the following as a sub-clause :—

- “(4) Unless the President otherwise directs, not more than five resolutions shall be set down in the list of business for any day allotted for the disposal of non-official business.”

PROPOSED NEW STANDING ORDER No. 8.

Add the following new Standing Order :—

“8. (1) A motion that consideration of a Bill which has been introduced, or of a motion to amend the Standing Orders which have been reported on by the Select Committee, be adjourned to any future day in the same session available for such business or to any future session *sine die*, may be moved by any member at any time and such motion shall take precedence of any other motion then before the Council. The President after permitting a brief explanatory statement from the mover and of the member opposing—if the motion is opposed—may, without further debate, put the question thereon.

“(2) A motion that consideration of a resolution or motion excepting a motion for adjournment be adjourned to any future day in the same session available for such business or *sine die*, may be made by any member at any time and shall be dealt with in the manner specified in the foregoing sub-clause.

“(3) The President may disallow such motion for the adjournment of business if it has, in his opinion, been made for the purpose of obstructing the business of the Council or for securing the adjournment of the meeting.”

EXISTING STANDING ORDER No. 8.

Re-number this Standing Order as No. 9 and *add* the words “or has been postponed consequent to the adjournment of the Council for want of a quorum” *after* the words “unless it has been commenced.”

EXISTING STANDING ORDERS Nos. 9 AND 10.

Re-number present Standing Orders Nos. 9 and 10 as 10 and 11 respectively.

EXISTING STANDING ORDER No. 11.

Re-number Standing Order No. 11 as No. 12 and make the following amendments :—

In a) *after* the word “lapse” *add* “and fresh notice must be given for the next session for all business requiring notice, except the questions to which *ad interim* replies have been given.”

In (b) *after* the word “introduced” *add* “and motions to amend Standing Orders which have been referred to Select Committees.”

EXISTING STANDING ORDER No. 12.

Re-number Standing Order No. 12 as No. 13 and *substitute* the words “The President may, at any time, adjourn a meeting or business of the Council to either a future day and hour or any part of the same day, on his own motion or on the motion and vote of the Council in that behalf” *for* the words “The President may adjourn a meeting of the Council either of his own motion or on a vote by the Council in that behalf.”

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PROPOSED NEW STANDING ORDER No. 14.

Add the following new Standing Order:—

"14. (1) If the President, on a count being demanded by a member at any time during a meeting ascertains that 25 members are not present, he shall adjourn the Council to the next meeting day.

Provided —

(a) that the adjournment shall not be made before the warning bell is rung for five minutes to enable the absent members to be back to their seats ;

(b) that the remaining business of the day shall be brought over to the agenda of the next day available for the same sort of business.

"(2) No demand for a count to ascertain the presence of a quorum shall, however, be made within one hour of the previous count."

EXISTING STANDING ORDER No. 13.

Re-number Standing Order No. 13 as No. 15 and *substitute* the following therefor:—

"15. (1) Except with the permission of the President, no discussion on a point of order would be allowed, besides the statement of the person submitting the point; and in case of the point of order having been raised in the course of a speech, of a member who happens, for the time being, to be speaking if he offers to explain why he is in order.

"(2) When a point of order is before the President any member speaking shall resume his seat immediately after offering the explanation permitted by the foregoing sub-clause.

"(3) The President shall then give his ruling which shall be final."

EXISTING STANDING ORDER No. 14.

Re-number Standing Order No. 14 as no. 16 and *add* the words "to move any motion or" *after* the word "desiring."

EXISTING STANDING ORDER No. 15.

Re-number Standing Order No. 15 as No. 17 and *delete* all words *after* the words "he shall" and *substitute* the following words therefor:—

"rise in his place, and if called upon by the President, ask the question and shall, if not so called, resume his seat.

Provided that the President shall not call upon any member so rising until the member speaking resumes his seat."

EXISTING STANDING ORDER No. 16.

Re-number Standing Order No. 16 as No. 18 and—

(a) *Delete* (i) of sub-clause (2) and re-number the subsequent sub-clauses.

(b) *Add* the words "except in their official capacity by way of criticizing their official acts for securing some redress" at the end of sub-clause (2) (iv).

(c) *Add* at the end of sub-clause (2) (v) the following:—

"Except for citing them to show that they have been wrongly held to be so."

EXISTING STANDING ORDER NO. 17.

Re-number Standing Order No. 17 as No. 19 and *substitute* the following therefor:—

"17. (1) When the member in charge has spoken on moving his proposal, such of the members as have sent in motions for amendment of the proposal shall be called on, by the President, to speak. Other members of the Council shall also be entitled to speak thereafter.

"Provided that the order in which the speakers will be allowed to speak, shall be determined by the President who shall also decide, in each case, whether the speaker is to be permitted to speak to the substantive motion or the amendment—in case an amendment has been moved.

"(2) If a member, upon being called upon by the President, does not speak, he shall not thereafter be entitled to speak on the same question without obtaining the permission of the President therefor.

"(3) Except as hereinafter otherwise provided, no member shall speak more than once to any motion except for the purpose of making a personal explanation and then only with the permission of the President, and in such case no debatable matter may be brought forward.

"(4) A member who has moved a substantive motion may speak again by way of reply, and if the motion is moved by a non-official member, the member of the Government to whose department the matter under discussion relates shall have the right of speaking after the mover whether he has previously spoken in the debate or not.

"(5) The President may in all cases address the Council at any stage before putting the question to the vote."

EXISTING STANDING ORDER NO. 18.

Delete Standing Order No. 18.

EXISTING STANDING ORDER NO. 19.

Re-number Standing Order No. 19 as No. 20.

PROPOSED NEW STANDING ORDER NO. 21.

Add the following as new Standing Order No. 21:—

"21. A member who wishes to move a motion (other than a motion for which a period of notice is herein prescribed) shall give not less than five days' notice of his intention in writing to the Secretary, unless the President in his discretion admits it with a shorter notice or without any notice.

"Provided that the following motions may in particular and without prejudicing the generality of this sub-clause be moved if not disallowed by the President without any notice:—

- (i) Motion for the adjournment of the meeting.
- (ii) Motions for the withdrawal of strangers.
- (iii) Motion for electing members for the standing committees.
- (iv) Motion for electing members to a Select Committee on a Bill or on the amendment of standing orders.
- (v) Motion for the withdrawal of a Bill, resolution or a motion or amendments thereto.
- (vi) Motion for congratulating or expressing condolence.
- (vii) Motion for postponement of any business.
- (viii) Motion for the closure of debate.
- (ix) Motion or address to Governor.

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EXISTING STANDING ORDER NO. 20.

Re-number Standing Order No. 20 as No. 22 and *add* the following proviso at the end :—

“ Provided that nothing herein contained shall, unless the President in any case otherwise directs, be deemed to prevent the making of any of the following motions, namely :—

- (a) A motion for the taking into consideration or the reference to a Select Committee of a Bill where an amendment has been carried to a previous motion of the same kind to the effect that the Bill be circulated or re-circulated for obtaining opinion thereon.
- (b) A motion for the amendment of a Bill which has been re-committed to a Select Committee or re-circulated for the purpose of eliciting opinion thereon.
- (c) A motion for the amendment of a Bill made after the return of the Bill by the Governor for consideration of the Council.
- (d) A motion for the amendment of a Bill which is consequential on or designed merely to alter the drafting of another amendment which has been carried.
- (e) A motion which has to be or may be made within a period laid down by the rules or under the standing orders.”

EXISTING STANDING ORDER NO. 21.

Re-number Standing Order No. 21 as No. 23 and *add* the following sub-clauses as (5) and (6) respectively, *re-numbering* existing sub-clause (5) as sub-clause (7) :—

- “(5) An alternative amendment shall not, except with the permission of the President, be allowed to be moved.
- “(6) An amendment to an amendment may be moved with the permission of the President and the original amendment shall, so long as the amending amendment is under discussion, be treated as a substantive proposition.

EXISTING STANDING ORDER NO. 23.

Re-number Standing Order No. 23 as No. 25 and *substitute* the following wording therefor :—

At any time after a motion has been made any member may move “ that the question be now put ” and unless it appears to the President that the motion is an abuse of the rules or standing orders, or an infringement of the right of reasonable debate, the President shall then put the motion “ that the question now be put,” making the number of votes requisite as two-thirds of the present members.

EXISTING STANDING ORDERS NOS. 24 AND 25.

Re-number Standing Orders Nos. 24 and 25 as Nos. 26 and 27 respectively and *substitute* the following in place of 25 existing or 27 (new) :—

“ The President may at any time during the sitting of the Council order the withdrawal of visitors or of representatives of the Press or of both after the vote of the Council either on his own motion or on the motion of some members of the Council.”

PROPOSED NEW STANDING ORDER No. 28.

Insert the following new standing order :—

“ A Select Committee may be appointed by the Council for any purpose connected with the business of the Council.”

EXISTING STANDING ORDER No. 26.

Re-number Standing Order No. 26 as No. 29 and *substitute* the following therefor :—

“ Questions may be asked by any member for obtaining information as to any of the following :—

- (a) The matters of public importance.
- (b) The matters relating to the administration of the Government or any department or public officer.
- (c) The arrangement of the business of the Council.
- (d) The intentions of the Government in respect of matters of immediate concern.

“ Provided that no question may be asked that does not satisfy the following conditions, namely,—

- (i) It must not bring in any name or statement not strictly necessary to make the question intelligible.
- (ii) It must not contain defamatory statements.
- (iii) It must not refer to the character and conduct of any person except in his official or public capacity.
- (iv) It must not be of excessive length.”

EXISTING STANDING ORDER No. 27.

Re-number existing Standing Order No. 27 as No. 30.

EXISTING STANDING ORDER No. 28.

Re-number Standing Order No. 28 as No. 31 and *amend* the order in the following form :—

“ The President shall decide on the admissibility or inadmissibility of a question and shall disallow a question that is in contravention of the rules. A question that infringes the standing orders may also be disallowed, if it cannot, without substantial changes, be amended.”

EXISTING STANDING ORDER No. 29.

Re-number existing Standing Order No. 29 as No. 32.

EXISTING STANDING ORDER No. 30.

Re-number Standing Order No. 30 as No. 33 and *for* the phrase “ subject to the provisions of the rules and these orders questions ” *substitute* the words “ A question that has been admitted ” and in place of the present proviso, *substitute* the following :—

“ Provided that the member in charge of the department to which the question relates shall, before giving the interim reply, request the President to extend time, if the required information has not been obtained.

“ Provided further that in the case of such extension the question shall, in the absence of a satisfactory explanation to the Council, be answered within one week of the grant of the extension (if the Council continues to sit), or subject to Standing Order No. 11(a) at the commencement of the next sittings.”

The Hon'ble the President.]

EXISTING STANDING ORDER No. 31.

Re-number Standing Order No. 31 as No. 34 and *omit* all the words in the order *after* the word "Governor."

EXISTING STANDING ORDER No. 32.

Re-number Standing Order No. 32 as No. 35 and *between* the word "day" and the word "and" *insert* the phrase "immediately following the duration of the period of notice."

EXISTING STANDING ORDERS Nos. 33 AND 34.

Re-number Standing Orders Nos. 33 and 34 as Nos. 36 and 37.

EXISTING STANDING ORDER No. 35.

Re-number Standing Order No. 35 as No. 38 and—

- (a) *substitute* the words "any member" *for* the words "a member of the Government ;" and
- (b) *omit* the words "on the ground of public interest."

PROPOSED NEW STANDING ORDER.

Add the following as No. 39:—

"A member to whom supplementary questions are put may, in the absence of the possession of the requisite information, state that he wanted notice.

"Provided that no formal notice to the Secretary of the Council shall be further needed in respect of that question and the answer, thereto, shall be given within the time prescribed in the latter proviso to existing Standing Order No. 30."

PROPOSED NEW STANDING ORDER.

Add the following as No. 40:—

"The member answering a question shall be responsible for the accuracy or otherwise of the answer given or of the statement made in the reply; and no reply must bring in any name or statement unless it is strictly necessary or contain an expression of opinion, hypothetical proposition, arguments, inferences, ironical expressions or defamatory words."

EXISTING STANDING ORDER No. 36.

Delete Standing Order No. 36.

EXISTING STANDING ORDER No. 37.

Re-number Standing Order No. 37 as No. 41 and *delete* the proviso.

EXISTING STANDING ORDER No. 38.

Delete Standing Order No. 38.

EXISTING STANDING ORDERS Nos. 39 AND 40.

Re-number Standing Orders Nos. 39 and 40 as Nos. 42 and 43 respectively, and *amend* 43 (new) as follows:—

"The President shall read the statement to the Council and if he finds that the matter proposed to be discussed is in order ask whether the member has the leave of the Council. If objection is taken the President shall request those members who support the motion to rise in their places, and if not less than 20 members rise accordingly, the President shall intimate that leave is granted and that the motion will be taken up at 4 o'clock. If less than 20 members rise, the President shall inform the member that he has not the leave of the Council."

EXISTING STANDING ORDER NO. 41.

Re-number Standing Order No. 41 as No. 44 and *delete* sub-clause (2).

EXISTING STANDING ORDER NO. 42.

Re-number Standing Order No. 42 as No. 45 and *substitute* the following in its place :—

“ If a motion for leave to introduce a Bill is opposed, the President may, after allowing the mover’s reply following the motion and its opposition, put the question if he thinks fit without further debate. ”

PROPOSED NEW STANDING ORDER.

Insert the following new Standing Order :—

“ 46. (1) Any member may at any stage of the Legislation after the introduction of a Bill ask for any papers or returns connected with the Bill.

“ (2) The President shall determine at the meeting or the meeting next following whether the papers or returns asked for can be given.”

EXISTING STANDING ORDER NOS. 43, 44 AND 45.

Re-number Standing Orders Nos. 43, 44 and 45 as Nos. 47, 48 and 49 respectively, and *amend* 49 (re-numbered) as follows :—

(1) *In sub-clause (1)*—*Add* at the end the words “ formed for reporting on the Bill, and it shall not be necessary to include their names in any motion for appointment of such a committee.”

(2) *In sub-clause (3)*—*After* the word “ committee ” *add* the words unless he waives his right or is unable to attend, in which case the committee shall elect a chairman from among its members. In case of an equality of votes the chairman shall have a second or a casting vote.”

(3) *Omit* the rest of the order.

EXISTING STANDING ORDERS NOS. 46 AND 47.

Re-number Standing Orders Nos. 46 and 47 as Nos. 50 and 51 respectively, and in re-numbered Standing Order No. 51 *substitute* the word “ made ” for the words “ treated as.”

EXISTING STANDING ORDERS NOS. 48 AND 49 AND PROPOSED NEW STANDING ORDER.

Re-number Standing Orders Nos. 48 and 49 as Nos. 52 and 53 and *add* the following new standing order :—

“ 54. If any member is unacquainted with English the Secretary shall cause the report to be translated for his use in Hindi or Urdu according to the member’s request.”

EXISTING STANDING ORDERS NOS. 50, 51, 52, 53 AND 54.

Re-number Standing Orders Nos. 50, 51, 52, 53 and 54 as Nos. 55, 56, 57, 58 and 59 respectively, and *add* a new sub-clause to No. 59 (existing 54) as follows :—

“ (3) If any member present is unacquainted with English, the Secretary shall also, if requested, cause every such notice to be translated for his use into vernacular language as the President may direct.”

Re-number the subsequent orders accordingly.

The Hon'ble the President : Will all members who support the motion kindly stand up? (More than twenty members rose.)

The Hon'ble the President : The honourable member has the leave of the Council. The amendments are accordingly referred to a Select Committee under Standing Order No. 87.

The nominations will be taken today for the Select Committee and the election, if necessary, will be held on Friday.

The regulations for election by single transferable vote have to be followed. Seven members have to be nominated by the members of the Council, as was explained in the letter issued some time ago. If not more than seven are nominated, these seven will be declared elected under the regulations. If more than seven are nominated, then, as usual, an election will be held. The election has been fixed for Friday. Nominations should be made today.

THE PUBLIC GAMBLING (AMENDMENT) BILL.

Rai Bahadur Lala Sita Ram : I beg to present the report of the Select Committee on the Bill further to amend the Public Gambling Act III of 1867. The report has been published in the Gazette and is in the hands of the members of this House.

Rai Bahadur Lala Sita Ram : I move that the Bill further to amend the Public Gambling Act, III of 1867, be taken into consideration. I find on the agenda paper a number of amendments on behalf of the Legal Remembrancer. I am glad to see him back among us after his sojourn in England. And I am very glad that one of his first official acts in this House will be to give the finishing touches to my Bill. The amendments made by the Select Committee have already been mentioned in the report and the reasons for these amendments are given in the body of the report.

The motion was put and adopted.

Mr. C. M. King : I beg to move that for the title and preamble the following be substituted.

The Hon'ble the President : We have always postponed the title and preamble to the last.

CLAUSE 1.

1. (1) This Act may be called the United Provinces Public Gambling (Amendment) Act, 192 .

Short title and extent.

- (2) *It extends to all the territories for the time being administered by the Governor of the United Provinces.*

Mr. C. M. King : In clause I, sub-clause (2) of the Bill I beg to move that for the word "Governor" the words "Local Government" be substituted, the reason being that the province is not administered by the Governor alone but either by the Governor in Council in relation to reserved subjects, or else by the Governor, acting with his Ministers, in relation to transferred subjects. Both these aspects of Government are covered by the words "Local Government."

The amendment was put and adopted.

The Hon'ble the President : The question is that clause 1 as amended stand part of the Bill.

The motion was adopted.

CLAUSE 2.

2. For the definition of the phrase "common gaming house" in section 1 of the Act the following shall be substituted, namely,—

Definitions.

Common gaming house means—

- (1) *in the case of gaming on the digits of the sale price of any commodity, for example opium or cotton, or on the digits of papers or bales manipulated from within jars* or other receptacles or on the occurrence or non-occurrence of any natural event, for example, rainfall or the quantity of rainfall any house, room, tent or walled enclosure or space or vehicle or any place whatsoever in which instruments of gaming are kept or used for such gaming ;*
- (2) *in the case of any other form of gaming, any house, room, tent, walled enclosure, space, vehicle, vessel or any place whatsoever in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room, tent, enclosure, space, vehicle, vessel or place whether by way of charge for the use of such house, room, tent, enclosure, space, vehicle, vessel, place or instrument, or otherwise howsoever."*

Mr. C. M. King : In clause 2 of the Bill I beg to move that for the marginal note "definitions" the words "amendment of section 1 of Act III of 1867" be substituted.

The Hon'ble the President : It has been our custom, though I have some doubt if it is necessary, to deal with marginal notes as if they were part of the clause. We will therefore take it now.

The amendment was put and adopted.

Mr. C. M. King : I beg to move that in clause 2 for the word "Act" in the second line, the following words be substituted :—

"Public Gambling Act, 1867, as amended by the United Provinces Public Gambling (Amendment) Act, 1917."

The amendment was put and adopted.

Mr. C. M. King : In sub-clause (1) of the definition of "common gaming house" I beg to move that the word "or" be deleted at three places ; firstly, between "tent" and "walled enclosure," secondly, between "walled enclosure" and "space" and thirdly, between "space" and "vehicle."

These words are all unnecessary. They are omitted in similar places in sub-clause (2).

The amendment was put and adopted.

Mr. C. M. King : I beg to move that in sub-clause (1) after the word "vehicle" the word "vessel" be inserted.

I was not in the Select Committee ; so I do not know why the word "vessel" was omitted. It would be argued that the omission was

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deliberate, because the word occurred in the original definition and it still remains in sub-clause (2) of the very same definition. It would therefore probably be held that the word "vessel" was deliberately omitted and that the forms of gambling referred to in sub-clause (1) might be carried on in a vessel with impunity. If that was not the intention of the committee, the word should be inserted.

Rai Bahadur Lala Sita Ram : I do not think, Sir, that the word was intentionally omitted; that was an oversight.

Mr. C. M. King : Then I beg to move that the word be inserted. The amendment was put and adopted.

The Hon'ble the President : The question is that clause 2 as amended stand part of the Bill.

The motion was adopted.

TITLE AND PREAMBLE.

A

BILL.

Further to amend the Public Gambling Act (III) of 1867 as amended by United Provinces Act I of 1917, and United Provinces Act V of 1919.

Whereas it is expedient to amend the Public Gambling Act III of 1867 as amended by United Provinces Act I of 1917 and V of 1919; It is hereby enacted as follows.

Mr. C. M. King : I beg to move that for the title and preamble the following be substituted :—

"A

BILL

Further to amend the Public Gambling Act, 1867, in its application to the United Provinces.

Whereas it is expedient further to amend the Public Gambling Act, 1867, in its application to the United Provinces; It is hereby enacted as follows :—

The amendment was put and adopted.

Rai Bahadur Lala Sita Ram : I move that the Bill further to amend the Public Gambling Act, 1867, in its application to the United Provinces be passed.

The motion was put and adopted.

The Deputy President took the chair.

BILL TO AMEND THE OUDH LAWS ACT.

Babu Shankar Dayal : I rise to move that the Bill vs Act, 1876, be referred to a Select Committee

ba Ram,

Mashal Singh,

Shri Bindeshwari Prasad,

(4) Mr. Muhammad Aslam Saifi,

Rai Bahadur Babu Shankar Dayal.]

- (5) Thakur Hukum Singh,
- (6) Babu Sita Ram,
- (7) Qazi Habib Ashraf,
- (8) The Legal Remembrancer to Government,
- (9) The Deputy Secretary to Government, Judicial department.

This Bill, Sir, has received the sanction of the Governor General under section 80A of the Government of India Act. I do not think that the office of the Governor General is a mere post office to receive letters in their box. There must be some officer appointed by the Governor General to examine the Bill, whether it be private or official, to see its literature and also to see whether it is in right form. When this Bill has been sanctioned by the Governor General it means that it is of some value. Later on I asked the permission of this House that I may be permitted to introduce this Bill and permission was given. When I introduced this Bill no objection was raised by any member of this House. The Hon'ble the Home Member said that he was not going to oppose this Bill on behalf of Government. When I requested this House that the Bill be referred to a Select Committee, the Legal Remembrancer asked for time so that he might get the opinion of the public. The Government now has through the Judicial Commissioner received the opinion of the following six persons:—

- (1) The District Judge of Rae Bareli.
- (2) The Bar Association of Fyzabad.
- (3) Rai Bahadur Babu Shankar Dayal, the Additional District Judge of Lucknow.
- (4) The Oudh Bar Association.
- (5) Thakur Rachhpal Singh, Subordinate Judge.
- (6) Mr. Dalal, Additional Judicial Commissioner.

The opinion of the Judicial Commissioner and another Additional Judicial Commissioner was not taken. I had a talk with Mr. Wazir Hasau, who was once a district court vakil at Partabgarh. I asked him whether he had given his opinion and he said that he had not been consulted. Now, Sir, I will narrate to you the opinions of these individuals: Mr. Mahmud Hasan, District Judge of Rae Bareli, writes—

“I agree with the proposed amendments and have no further suggestions to make.”

In other words, Sir, he has approved the Bill and he did not see his way to make any addition or subtraction.

Then, Sir, the Bar Association of Fyzabad passed a resolution which is as follows:—

“Resolved unanimously that the Fyzabad Bar Association supports the Bill to amend the Oudh Laws Act and agrees to the general principles underlying the provisions of the Bill.”

Then, Sir, the third person, the Additional Judge of Lucknow, is of opinion that the Oudh Laws Act does not require any amendment. I think he has played a child's part. Everybody knows, Sir, as a matter of fact, specially the lawyers of these provinces, that if the Law of Pre-emption had been a settled law or I should say a clear law, then there would not have been rulings numbering about 200—there may be more than that. Now, Sir, further on he did not care to read the ruling of Mr. Spankie, who was one of the most

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eminent Judges of Oudh. He ruled in 1898 that where a pre-emptor denies the title of the vendor then he is not entitled to pre-empt. This ruling, Sir, was followed for 20 years and it was only in the year 1919 that the Judicial Commissioner of Oudh set aside this ruling. So I submit, Sir, that if the Additional Judge of Lucknow had taken care to read these two rulings then he would not have been of the opinion that the Oudh Law of pre-emption does not require any amendment. Then comes Mr. Dalal, the Additional Judicial Commissioner. He supports the Bill and says that in cases where there are rival pre-emptors the property should be divided between them according to the extent of their shares. This I have suggested in my Bill. In the existing Act there is a provision that whenever there are two or more rival claimants the case is to be decided by lot. This provision was passed in 1876 and since then morality has rather improved and I do not think that in the year 1924 this provision is any longer required. If the system of deciding cases by lottery is still allowed to remain, then I would submit that the same principle should be applied to all other cases, as it would mean less expense and decrease in the number of Judges. With regard to other provisions Mr. Dalal passes both favourable and unfavourable opinions, but he is not supported by the Sub-Committee of the Oudh Bar. This Sub-Committee consists of a few legal practitioners who practise before the Judicial Commissioners. The definition of "village community" which I have given in my Bill is not to be found in the existing Act. This is a most important question relating to pre-emption. Mr. Dalal says that this has been decided by ruling. The Sub-Committee of the Oudh Bar are of opinion that this definition is not required and should not be inserted in the Bill. I have taken this definition from 12 Oudh Cases, page 1. So any remarks made against this definition are remarks against the Judicial Commissioners. The full bench of the Judicial Commissioners held that this should be the definition of the "village community."

These are the opinions of the persons whom I have named, and I submit that, having regard to the circumstances stated and the opinions quoted, there can be no doubt that the law of pre-emption requires amendment. The Sub-Committee of the Oudh Bar has also suggested certain other amendments besides my own. If there are any mistakes in the Bill, they can of course be corrected by the Select Committee. Further the suggestions of the Sub-Committee of the Oudh Bar can also be considered by the Select Committee. After the Bill has been amended by the Select Committee it will come before the Council which will make its own corrections. When it will be passed by the Council it will become a sound law. In the Oudh Rent Bill I took a prominent part and amended most of the sections. In spite of all these efforts the judiciary as well as the lawyers are of opinion that most of the sections of the Oudh Rent Act are still defective. No doubt I must confess that I am not an Englishman and do not claim that whatever I have written is perfect. I can, however, say that the language of the Bill proposed is better in many respects than the language of the Oudh Rent Act or any other Act passed by this Council or by any other Council. I may further draw the attention of the House to the fact that they have already allowed the introduction of the Bill and now it is beyond their power to overthrow it on the simple ground that Mr. Dalal has passed certain

unfavourable remarks. If the Bill had not been supported by some of the Judges and by the members of the Fyzabad Bar, then I would have been the first person to withdraw it. In the circumstances I hope the Council will allow it to be referred to the Select Committee as proposed by me.

Mr. C. M. King: I rise to oppose the motion. In the first place I think the Bill is quite unnecessary. There seems to be absolutely no public demand for any amendment of the law of pre-emption in Oudh. The honourable mover himself was unable to show that any dissatisfaction has been publicly expressed with the administration of the existing law. There have been no representations to Government, no public meetings, and no questions or resolutions in Council showing any desire to amend the existing law. So far as I can make out, the honourable mover in the course of his legal practice has somehow or other got the idea that the law of pre-emption in Oudh is in a bad state, and he has without any encouragement or assistance worked out what he considers to be a great legislative improvement in the seclusion of his study. It may be a very fine piece of work, and I certainly do not wish to cast any reflection on the drafting. The trouble is that no one seems to want the Bill.

Sir, I will now refer to the opinion of the Hon'ble Judges of the Judicial Commissioner's court, who are, I believe the most competent persons to express an opinion on the matter. Rai Bahadur Pandit Kanhaiya Lal thinks that the Bill as drafted would serve no useful purpose, as the matters referred to therein have almost all been settled by authority. Now, the honourable mover's motive for bringing forward this Bill, according to the statement of objects and reasons, was that the Judicial Commissioners in Oudh were greatly inconvenienced in deciding cases of pre-emption because of the rudimentary state of the existing law, and they were consequently groping in the dark. Well, there is no doubt that this is a very admirable motive, and one would expect the Judicial Commissioners to be very grateful to the honourable member for offering to improve the existing law, but to our surprise we find that so far from being grateful, they have unanimously condemned his proposed Bill. Not even one member of the Judicial Commissioner's Court has expressed an opinion in its favour. I have quoted to the Council the opinion of Rai Bahadur Pandit Kanhaiya Lal. I shall now take the opinion of Mr. Simpson. He says:—"I consider the proposed Bill unnecessary and badly drafted. It attempts to be exhaustive, but is not so, and would give rise to more difficulties than it solves. The notes do not quote the rulings of this Court which are alleged to be in contradiction. I do not think there is any difficulty in interpreting the Act as it stands." From this it will appear that he sees no necessity for amending the law, and at any rate he does not feel as though he is groping in the dark. I next turn to the opinion of Mr. Dalal, the present Judicial Commissioner. He says as follows:—"The Bill is badly drafted. No references are given to decided cases; so the necessity for the proposed amendment is difficult to make out. I am strongly of opinion that the Bill should not be passed unless the clauses are correctly worded so as to be understood. The Bill, if passed in its present form, will give rise to considerable litigation due to the difficulty of interpreting it." The honourable mover stated that he did not think there was any Act in creation, which was so well worded as his Bill. He is perfectly

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self-satisfied. It is unfortunate, however, that his opinion about the Bill is not shared by any of the Hon'ble Judges. Lastly, I shall quote the final opinion of Mr. Dalal contained in his letter of the 17th of November, 1924, which, I believe, is the strongest opinion of all. He stated as follows, after consulting the two Additional Judicial Commissioners, namely Saiyid Wazir Hasan and Mr. Ashworth:—
 "My learned colleagues, the 1st and 2nd Additional Judicial Commissioners, agree with my opinion that the proposed Bill is not only superfluous but likely to do harm and have nothing to add."

Well, Sir, in the face of this unanimous and very emphatic condemnation by the highest judicial authorities, I think it unnecessary to say anything further, and I appeal to the Council not to thrust an unwelcome and harmful Bill down the throat of an unwilling Court.

Babu Bindeshwari Prasad: As a civil practitioner in one of the mufassil courts of Oudh, I have had a good deal of experience of the working of the Oudh Laws Act. I know from personal experience, extending over a period of sixteen years, that the difficulties caused by sections 9 and 15 in particular are immense. Only this year the learned Judicial Commissioner gave a ruling in a case, which is unintelligible to members of the bar both of the mufassil courts and of the Judicial Commissioner's Court. The case was this.

A certain person sued for pre-emption. A decree was passed in his favour, subject to the payment of the entire consideration entered in the sale-deed, which was about Rs. 17,000. The pre-emptor contended that out of the sum of Rs. 17,000, Rs. 7,000 was fictitious. The poor fellow did not deposit the amount within the stipulated period of one month, because it was not worth his while to take possession of the property on the payment of Rs. 17,000. Now he appealed within three months to the Court of the Judicial Commissioner. The learned Judicial Commissioners in their interpretation of section 15 held that the appeal did not lie as the amount should have been deposited before he could have had a right of appeal to the Court of the Judicial Commissioner. That was the interpretation of section 15. I am sure that if it is possible to attach any meaning of this kind to any section of the Oudh Laws Act, the Oudh Laws Act should be repealed as soon as possible. The man would certainly have paid Rs. 10,000 if the Judicial Commissioner's Court had decided in his favour against the judgment of the Subordinate Judge.

Rai Sita Ram Bahadur: What was the decree?

Babu Bindeshwari Prasad: The decree was a pre-emption decree for Rs. 17,000 entire consideration. The man wanted pre-emption only on Rs. 10,000; he did not deposit Rs. 17,000 because he did not want the property for Rs. 17,000. His appeal was dismissed because he did not fulfil the terms of the decree by depositing Rs. 17,000 within one month. As my learned friend from Partabgarh has observed, the question of the definition of the members of the village community, though it has been before the learned Judicial Commissioners and has also gone up to the High Court of Allahabad on reference in 5 Oudh Cases, is still not quite clear. The learned Judicial Commissioners have not been able to give any correct idea of the meaning of the members of the village community. We find a case

reported in II Oudh Law Journal, page 248, in which they have confused the meaning of the members of the village community with that of the co-sharers of the same mahal. I find that there is a ruling directly opposed to it. I do not remember the exact case. I submit that if no other sections of the Oudh Laws Act are amended, sections 15 and 9 ought to be amended. I submit to this honourable House that the Bill to amend the Oudh Laws Act should be passed. I do not know whether the wording of the present Bill is happy or not. As it has been condemned by authorities like Messrs. Ashworth and Dalal, I am ready to admit that the Bill is not properly worded. But the Bill can be properly worded with the help of Mr. Moss King in the Select Committee, and other legal luminaries may also be added to the list of members of the Select Committee.

Rai Sita Ram Bahadur : I have been considerably mystified by the emphatic condemnation made by the learned Judges of the Judicial Commissioner's Court. On the other hand there is my friend, a mufassil practitioner, who says that the Oudh Laws Act requires amendment. I would have liked to hear my worthy namesake from Kheri who might have thrown further light in the matter, but he is for some reasons quiet. As regards the instance quoted by Babu Bindeshwari Prasad, I have just been handed over the Oudh Laws Act. Section 15 is quite clear. It runs thus :—

“If such purchase money or amount is not paid into court before it rises on that day the decree shall become void and the plaintiff shall so far only as relates to such sale or mortgage lose his right of pre-emption over the property to which the decree relates.”

The decree was passed by the lower court asking the pre-emptor to deposit a certain amount of money by a certain date. That amount was not deposited by the pre-emptor by that date. The decree in the words of this section became void. So far as section 15 goes the ruling given by the Judicial Commissioner's Court seems quite sound. So that if the case for the amendment of the Oudh Laws Act rest only on that, I shall be very chary in voting for it. However, I should like to hear if any further light can be thrown on the matter. Personally, I would welcome another expression of opinion in the matter.

Rai Bahadur Babu Shankar Dayal : Mr. Moss King has said that this Bill has been badly drafted. I submit that this Bill has been drafted by one who has been a vakil for the last 25 years and who has rather conducted some thousands of cases. So Mr. Moss King should rest assured that it has not been drafted by one who is a mere child. Though my modesty does not permit me, but I must say that unnecessarily this Bill has been commented upon strongly by the Legal Remembrancer. Mr. Moss King has relied upon the comment made by Mr. Dalal. Mr. Dalal no doubt is quite at liberty to pass any remarks. He says that it is badly drafted. May I ask the members of this House—whether European or Indian—to point out if there is any defect in the literature of this Bill. No doubt I must admit that this Bill has been drafted by a district court vakil, and here I would draw the attention of the House to an observation made by a leading vernacular paper of Lucknow that if the mover of this Bill had shifted to Lucknow from Partabgarh he would have been entitled to a post like that of Mr. Wazir Hasan. However, this is the misfortune of the Bill that it has been drafted by a district court

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vakil and if this Bill is to be thrown out on this ground I have nothing more to say. If this Bill had been drafted in Persian then any remark made by Mr. Dalal would have carried some weight. But the difficulty in this case is that this Bill has been drafted by an Indian and the remark is made by another Indian. Mr. Moss King can say that this bill is badly drafted and if he says so I shall be ready to withdraw this Bill. Mr. Moss King has referred to an opinion made by Mr. Dalal.

Mr. Moss King : I did not say anything about the drafting of the Bill. I referred to certain other opinions to the effect that if this Bill were introduced it would do more harm than good. However well drafted it may be, there will be great trouble in interpreting the new definition. It will simply give rise to litigation.

Rai Bahadur Babu Shankar Dayal : Unless the Government are ready to increase the litigation there can be no two opinions on this, that when there are a number of rulings and interpretations of certain sections of an Act then of course an amending law is necessary. My submission is this that if sections are clear then there can be no ruling and if Mr. Dalal can give an assurance to the effect that from to day the existing rulings will not be revised I am ready to withdraw this Bill. I have introduced the Bill simply to curtail litigation and to help the Judges.

It is not my object that I want to make a name merely because the Bill happens to be introduced by Shankar Dayal and that it might be passed. I have already given an instance that the ruling of Mr. Spankie, who was respected throughout these provinces, has been cancelled by young judicial officers who acted as Judicial Commissioners and they did not take into consideration the fact that the ruling in question was followed for the last twenty years. Mr. Moss King is of opinion that there is no necessity for the Bill and he says that the public has not supported me. What does he mean by this? I have already stated that the District Judge of Rae Bareilly and the members of the Fyzabad Bar have strongly supported my motion. Had it been my opinion only, then it could certainly have been said so. Is Mr. Moss King ready to say that the members of the Fyzabad Bar and the District Judge of Rae Bareilly are similarly mistaken? They are distinctly of opinion that it is absolutely necessary that the law of pre-emption should be amended. Then, Sir, I have also drawn attention to the fact that this system of deciding cases by lottery is no longer required. Mr. Moss King has given no reply to this, nor has Mr. Dalal. He is of opinion that this section should go. In other words Mr. Dalal also sees the necessity of certain amendments being made in the Oudh Laws Act. Further, there are no definitions of "village community" and "co-sharer" in the existing Act. We know the Judicial Commissioner says that when a property is sold by a member of a joint Hindu family the other members are entitled to pre-empt, but as there is no such definition in the Act it is quite possible that another Judicial Commissioner may say that he will not follow the ruling of his predecessor because there is no definition of the word "co-sharer" in the existing Act. I have provided in my Bill that when a property is sold to another person which is subject to litigation, then no person will have a right to pre-empt. Now it may be said on the other side that we get rulings

every day, but the question is that the present system of rulings should be stopped. The Judicial Commissioners as a matter of fact reverse the rulings of their own court and prefer the rulings of the Allahabad High Court. If this system is maintained, I think they ought to be sorry for reversing their own rulings and following those of the High Court. Similarly, there are a number of other provisions made in the Bill. If the honourable members had cared to read the Bill, they would have found that it contains notes on each clause and they would then have been ready to support my Bill. I must also say that my friend Rai Bahadur Lala Sita Ram has questioned.

Rai Bahadur Lala Sita Ram : In view of the opinions read out.

Rai Bahadur Babu Shankar Dayal : There is only the opinion of the Judicial Commissioner against it, and if he is to be given too much weight in the face of the opinions of members of the Bar and the District Judge of Rae Bareilly, then I submit that we should all be sorry. Rai Bahadur Lala Sita Ram is an LL.B. and it was expected that he would read the Act, but he seems to have been taken by surprise.

It is a pity that honourable members have not taken care to read the Bill. To curtail my speech I would submit that this Bill should be referred to a select committee unless the members of this House place themselves in a false position by having allowed the Bill to be introduced but refusing to refer it to a select committee. They reared the child but themselves killed it. It will be a very bad precedent for other members who will hereafter introduce Bills in this Council. Further, it will also appear that in throwing out this Bill they have not given due regard to the opinion of the members of the Bar and judicial officers, whether they be of Fyzabad or Rae Bareilly, but that they were overpowered by the opinion given by Mr. Dalal.

If this Bill had been introduced by the late Sir Sundar Lal or Pandit Moti Lal Nehru, it would have carried much weight, but, of course, I am glad that I have worked with the abovenamed gentlemen in various cases.

With these few words I recommend the motion for the acceptance of the House.

The motion that the Bill to amend the Oudh Laws Act, 1876, be referred to a select committee was put and the Council divided as below :—

Ayes (35).

Mr. H. David.
Babu Sangam Lal.
Babu Mahan Lal Saksena.
Babu Damodar Das.
Babu Bhagwati Sahai Bedar.
Thakur Manjit Singh Rathor.
Chaudhri Jaswant Singh.
Pandit Nanak Chand.
Thakur Shib Narayan Singh.
Babu Nemi Saran.
Chaudhri Badan Singh.
Thakur Sadho Singh.
Pandit Brijnandan Prasad Misra.
Pandit Bhagwat Narayan Bhargava.
Pandit Jhannu Lal Pande.
Lieut. Raja Durga Narayan Singh.
Pandit Sri Krishna Dutt Palwal.
Babu parsidh Narayan Anad.

Pandit Yajna Narayan Upadhyaya.
Pandit Govind Ballabh Pant.
Pandit Hargovind Pant.
Mr. Mukandi Lal.
Babu Ram Chandra Sinha.
Rai Bahadur Thakur Mashal Singh.
Babu Sita Ram.
Babu Bindeshwari Prasad.
Thakur Hukum Singh.
Rai Bahadur Babu Shankar Dayal.
Dr. Muhammad Naim Ansari.
Mr. Muhammad Aslam Saifi.
Maulvi Zahur-ud-din.
Maulvi Shahab-ud-din.
Dr. Shafiat Ahmad Khan.
Qazi Habib Ashraf.
Shaikh Abdus Samad Ansari.

Noes (83).

The Hon'ble Mr. S. P. O'Donnell.
 The Hon'ble Raja Sir Muhammad Ali
 Muhammad Khan, Khan Bahadur.
 The Hon'ble Lieut. Nawab Muhammad
 Ahmad Sa'id Khan.
 The Hon'ble Rai Rajeshwar Bali.
 Mr. G. B. Lambert.
 Mr. E. A. H. Blunt.
 Kunwar Jagdish Prasad.
 Mr. G. B. F. Muir.
 Mr. A. C. Verrières.
 Mr. C. E. D. Peters.
 Mr. J. R. W. Bennett.
 Mr. R. Burn.
 Mr. W. S. Cassels.
 Mr. C. M. King.
 Mr. F. F. R. Channer.
 Mr. A. D. Ashdown.

Colonel A. W. R. Cochrane.
 Mr. A. H. Mackenzie.
 Mr. G. Clarke.
 Babu Khem Chand.
 Rai Jagdish Prasad Sahib.
 Lala Dhakan Lal.
 Chaudhri Sardar Singh.
 Babu Dip Narayan Roy.
 Kunwar Rajendra Singh.
 Rao Abdul Hameed Khan.
 Lieut. Nawab Jamshed Ali Khan
 Maulvi Obaid-ul-Rahman Khan.
 Maulvi Abdul Hakim.
 Mr. Ashiq Husain Mirza.
 Khan Sahib Munshi Siddiq Ahmad.
 Lala Mathura Prasad Mehrotra.
 Rai Bahadur Babu Vikramajit Singh.

The motion was accordingly adopted.

The motion that the select committee should consist of—

- (1) Rai Bahadur Lala Sita Ram,
 - (2) Rai Bahadur Thakur Mashal Singh,
 - (3) Babu Bindeshwari Prasad,
 - (4) Mr. Muhammad Aslam Saifi,
 - (5) Thakur Hukum Singh,
 - (6) Babu Sita Ram,
 - (7) Quzi Habib Ashraf,
 - (8) the Legal Remembrancer to Government,
 - (9) the Deputy Secretary to Government, Judicial department,
- was put and adopted.

RESOLUTION *re* TREATMENT OF LUNATICS.

Kunwar Rajendra Singh: The resolution that stands in my name runs thus:—

That this Council recommends to the Government that suspected cases of insanity among Indians be kept under observation in hospitals instead of in jails, as is done in the case of Europeans.

It is admitted on all hands that insanity is one of the worst maladies that can affect a human being. There is no sadder spectacle than to see a fellow-being wrecked in mind.

To come to the point. It is not at all justifiable to lock up anybody in jail because he is suspected to be suffering from insanity. Why should he be sent to jail as a criminal? There his malady grows worse. He is teased by other prisoners and the more he is teased, the more violent he becomes. His ravings and excitement all the more unhinge his mind. Nobody is there particularly to look after him and the treatment that is meted out to him might be anything but human. Both medically and socially it is not proper to keep the victim of insanity in the demoralizing atmosphere of jail. Every one of us knows that only one day's sojourn in jail is a great social blot. He is looked down upon in society and threatened with excommunication. His proper place is in hospital where he will be properly watched, carefully observed and medically treated. The solitude of the place might tranquilize his mind and put him on the road to recovery. This is the only way to save him from a living grave.

One word more and I have done. This differential treatment should be done away with. Social inequalities are responsible for many misunderstandings and difficulties. The sooner they cease to exist, the better. I hope the Government will lend its support to my resolution which seeks to remedy a social wrong.

With these words I commend my resolution for the acceptance of the House.

Lala Mathura Prasad Mehrotra : I rise to support the resolution moved by the member from Sitapur, not because he hails from my own district, not because he is speaking about insanity, but because the subject-matter is very sane. It is a great pity that such suspected cases of insanity are sent direct to jails instead of being kept in hospitals. The word "suspected" itself shows that it is not quite certain whether they are sane or insane—at least they are not dangerous—and if they are dangerous that can be seen and known at first sight and it would be useless for them to be sent to jail. There they are sent and they have to bear all the hardships of jail life as if they have committed any criminal act. I remember a case of my own district and it was the case of a man of status. He had occasional fits of insanity and in some such fit he caused hurt to a person. The matter was brought before the court and he was sent to the civil surgeon for observation. The civil surgeon at once sent him to the jail where he was kept for about two weeks and put to all sorts of hardships of a prison life. Many of his friends used to visit him there and they themselves have related to me that the life that he had to lead was very miserable and poor. As regards the latter part of the resolution I mean "as is done in the case of Europeans" I don't think that the mover of the resolution is thinking about the racial question at all. He wants that all such cases should be brought upon the same level. I think there is no harm if such cases are kept in hospitals instead of being sent to jails. With these words I heartily support the resolution.

Thakur Hanuman Singh : I rise to support the resolution which has been moved regarding the unequal treatment which is accorded to patients suspected of insanity. In spite of inequality, there are certain other matters which ought to be taken into consideration. Suspected cases of insanity should be under the observation of doctors. Everybody knows that the civil surgeon goes to the jail once a day and stays there for about half an hour and during this period he is busy with the office work. He may glance at the patient but he cannot give him the observation he deserves. The sub-assistant surgeon who is considered to be in charge of the jail seldom cares to observe and give time for that purpose. He may be—I do not know if he is—expected to submit reports, but in any case no notice seems to be taken of them by the civil surgeon. If the patients be kept in hospitals where there are assistant surgeons and doctors, they will have better opportunity of observing and they can then come to a right conclusion and at the same time see to the comforts and medical aid of the patients. Besides, there is one thing more. The patients must be treated with interest and the jailors cannot be expected to be sympathetic to them, who in cases of insanity require more affectionate and sympathetic treatment. Their usual habit of treating the convicts in their charge harshly must harden their hearts, so the treatment which can be expected cannot be anything but harsh.

Babu Bhagwati Sahai Bedar spoke in Urdu.

Dr. Muhammad Naim Ansari : I think the wording of the resolution is a bit misleading. In law the insanes are divided into two classes, criminal insane and non-criminal insane. The resolution, so far as I can see, applies to the non-criminal insane whose relations want them to be treated and kept in custody as lunatics. It is an admitted fact that in India insanity is much less as compared with that in Europe and the statistics in Indian lunatic asylums show that really mental diseases are far less in India. But this is not actually the case. Mental diseases are still prevalent in India, but those people who suffer from mental defects are not sent for treatment in the asylums simply for two reasons. One is a prejudice which is practically common everywhere that people do not like to admit that their relations are insane or mentally weak. It is supposed to be a taint and it is hidden from the public. And this prejudice is more common in India than in Europe and it is a pity that this prejudice is a great drawback in the treatment of people who suffer from mental diseases. But the second drawback is that when doctors come to see those who suffer from mental disease and advise their relations that they should be treated on proper lines, the first step is that they are sent to jail. It is a great hitch—there is one stigma of mental disease, and the second stigma that their relation went to jail, say, for one, or two or three weeks. The rules on this point are very absurd ; they make a racial distinction. Non-criminal European insanes are kept in certain hospitals though they are not kept as patients in the hospitals. There are cells made in those hospitals ; they are built on a certain pattern and they are kept there ; while Indian patients of whatever status are sent direct to jail for observation. They are not sent for treatment. So the rules are very absurd and they must be amended and equal treatment should be given to all, whether Indian or European.

The only difficulty which Government may put forward will be that of funds. They may say that the number of Indians suffering from mental diseases is so great that they cannot keep them in hospitals, that if they keep them in hospitals the ordinary indoor patients will suffer. But I think that difficulty can for the present be very easily removed and the rules amended. There is only one course, and that is this. Non-criminal well-to-do patients suffering from insanity, whether Indian or European, who can pay their own expenses should be kept in hospitals, and European and Indian patients who cannot pay their own expenses should be kept in jails. Thus the racial distinction disappears. When funds are available I think the chief thing they require is a hospital for mental diseases. It is a great drawback, that there is not a single hospital for treating patients suffering from mental diseases. As long as that drawback is not removed this is the only solution for the present ; and immediate orders should be issued that Europeans and Indians without any distinction who can pay their expenses should be kept in hospitals and Indians and Europeans who cannot pay their expenses should be sent to jail. I have personal experience of jail and hospital ; I have been in charge of a hospital and jail both and have kept these insane people under observation. There is no hardship on the insane if they are kept in jail. It is only this sentiment among Indians that such and such a relation was in jail. For the present this is the only solution of the difficulty. I strongly support the resolution in principle.

Col. A. W. R. Cochrane : An insane has as much right to be admitted into a hospital as any other sick man ; but there comes a great difficulty, as our hospitals are not arranged for the insane. Insanes are often very noisy and some times obscene and other patients in the hospitals object to their presence. Further, these hospitals, except in very few cases, are not Government institutions ; they are under district boards, and there will be objection to insanes being placed in them. At present the practice comes to this : nearly all the insane people who come to the jails are wandering lunatics and are detected by the police. The other classes of insane, including the more well-to-do, who are kept in jails are those who are too dangerous to be kept at home. In jail they are treated in the same way as in the hospitals. The jail lunatics are mostly wandering men who are dangerous. These form the greater proportion, and life in jails is not the same as pointed out by others. The insanes are treated exactly as patients. Take Meerut for instance, where the accommodation for lunatics is not in the jail, but outside the jail. The lunatics are not in charge of the jailors, but in charge of a sub-assistant surgeon. Considering all the difficulties of keeping all suspected lunatics in hospitals, still the present arrangement is not very satisfactory to the well-to-do patients. The number of suspected insanes in each district is not many. Only about 20 or 25 patients are sent to any single district jail in a year. That, however, means practically that there is always one patient under observation. These patients are often noisy, very obscene and very dirty. Arrangements, however, for the well-to-do could be made in a hospital, and there be can no objection to well-to-do patients being taken occasionally to the private wards of the hospital if the magistrate or the doctor agrees that the conditions are suitable without injury to the other patients. I think Government will have no objection, if any alteration in the rules are necessary, to the effect that where the conditions in the hospital are favourable, well-to-do patients may be admitted if the expenses are borne by the family of the patient kept under observation. In that case he need not be taken to the jail. There is no question of racial difference in the matter. It is only a question of the requirements of Europeans in the country, being so very occasional that arrangements have been found possible.

The Hon'ble Rai Rajeshwar Bali : I will not be so insane as to inflict a long speech, at this hour specially when I find that the first resolution of the day is taken up at 4 o'clock. I will only briefly refer to the points which have been raised by the honourable mover and other members of the Council. As regards the question of admitting suspected insane persons into hospitals, some of the difficulties have been pointed out by the Inspector-General of Civil Hospitals. There would be quite a large number of such cases and if they are all kept in hospitals it would be difficult to provide accommodation for them. It is possible that special staff may also have to be engaged. I therefore hope that the honourable members of this House will not insist on all cases being sent to hospitals.

As for the other point—the racial discrimination between European insanes and Indian insanes—it has just been pointed out by the Inspector-General of Civil Hospitals that cases of European insanes are very rare. Therefore the difficulty of accommodation does not arise in

The Hon'ble Rai Rajeshwar Bali.]

their case. However, I am ready to accept the compromise suggested, viz., that all cases of insanes, whether Indians or Europeans, who can pay for their expenses will be admitted in hospitals (and they can be accommodated in paying wards); while the cases of paupers will all have to be sent to jails, no matter whether they are Indians or Europeans. I hope that this very sane compromise will satisfy the members of the Council.

The resolution was, by leave of the Council, withdrawn.

The Council was then adjourned to the following day..

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Thursday, the 18th December, 1924.

THE Council met in the Council Chamber, Lucknow, at 11 a.m. The Hon'ble the President in the Chair.

PRESENT :

The Hon'ble Mr. S. P. O'Donnell.	Pandit Sri Krishna Dutt Paliwal.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.	Babu Parsidh Narayan Anad.
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.	Pandit Yajna Narayan Upadhyaya.
The Hon'ble Rai Rajeshwar Bali.	Raja Sri Krishna Dutt Dube.
Mr. G. B. Lambert.	Babu Dip Narayan Roy.
Mr. E. A. H. Blunt.	Thakur Hanuman Singh.
Kunwar Jagdish Prasad.	Bhaya Hanumat Prasad Singh.
Mr. G. B. F. Muir.	Pandit Govind Ballabh Pant.
Mr. A. C. Verrières.	Pandit Hargovind Pant.
Mr. C. E. D. Peters.	Mr. Mukandi Lal.
Mr. J. R. W. Bennett.	Babu Ram Chandra Sinha.
Mr. S. H. Fremantle.	Dr. Jaikaran Nath Misra.
Mr. R. Burn.	Rai Bahadur Thakur Mashal Singh.
Mr. W. S. Cassels.	Babu Sita Ram.
Mr. C. M. King.	Thakur Hukum Singh.
Mr. F. F. R. Channer.	Kunwar Surendra Pratap Sahi.
Colonel A. W. R. Cochrane.	Dr. Muhammad Naim Ansari.
Mr. A. H. Mackenzie.	Mr. Muhammad Aslam Saifi.
Mr. G. Clarke.	Maulvi Zahur-ud-din.
Raja Muhammad E'jaz Rasul Khan.	Rao Abdul Hameed Khan.
Mr. H. David.	Maulvi Shahab-ud-din.
Babu Khem Chand.	Lieut. Nawab Jamshed Ali Khan.
Babu Narayan Prasad Arora.	Nawabzada Muhammad E'jaz Ali Khan.
Babu Sangam Lal.	Khan Bahadur Chaudhri Amir Hasan Khan.
Babu Mohan Lal Saksena.	Maulvi Obaid-ur-Rahman Khan.
Babu Damodar Das.	Hafiz Hidayat Husain.
Rai Bahadur Lala Sita Ram.	Mr. Masud-uz-Zaman.
Babu Bhagwati Sahai Bedar.	Nawab Muhammad Yusuf.
Thakur Manjit Singh Rathor.	Maulvi Abdul Hakim.
Rai Jagdish Prasad Sahib.	Dr. Shafa'at Ahmad Khan.
Chaudhri Jaswant Singh.	Saiyid Muhammad Ashiq Husain.
Pandit Nanak Chand.	Khan Bahadur Maulvi Fasih-ud-din.
Lala Babu Lal.	Khan Bahadur Hakim Mahbub Ali Khan.
Thakur Shib Narayan Singh.	Mr. Ashiq Husain Mirza.
Rai Bahadur Babu Ram Nath Bhargava.	Khan Sahib Munshi Siddiq Ahmad.
Rai Amba Prasad Sahib.	Raja Saiyid Ahmad Ali Khan Alvi.
Rai Bahadur Pandit Kharagjit Misra.	Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Lala Dhakan Lal.	Shaikh Abdus Samad Ansari.
Babu Nemi Saran.	Mr. St. George H. S. Jackson.
Chaudhri Badan Singh.	Lala Mathura Prasad Mehrotra.
Chaudhri Sardar Singh.	Raja Shambhu Dayal.
Thakur Sadho Singh.	Lieut. Shaikh Imtiaz Rasul Khan.
Pandit Brijnandan Prasad Misra.	Raja Jagannath Bakhsh Singh.
Pandit Bhagwat Narayan Bhargava.	Rai Bahadur Babu Vikramajit Singh.
Pandit Jhanni Lal Pande.	Dr. Ganesh Prasad.
Lieut. Raja Durga Narayan Singh.	

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Thursday, the 18th of December, 1924.

RULES REGARDING SUPPLY OF CARTS.

*5. **Rai Bahadur Lala Sita Ram**: With reference to answer to starred question No 59, dated the 5th September, 1924, will the Government be pleased to state what the revised rules are in respect of the impressment of carts and wherein they differ from the rules in existence before this revision?

The Hon'ble Mr. S. P. O'Donnell: Copies of the old and the new rules regarding the hiring of carts are laid on the table.

TREATMENT OF ANGLO-INDIAN PRISONERS.

*6. **Rai Bahadur Lala Sita Ram**: With reference to answers to questions Nos 100 and 101, dated the 5th September, 1924, will the Government be pleased to state whether Anglo-Indian prisoners, as distinct from European prisoners, also enjoy the privilege of having fans provided for them? If so, did the convicts in the Tundla rape case enjoy this privilege in the last summer?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The answer to both parts of the question is in the affirmative.

IMPERIAL POLICE SERVICE.

*7. **Rai Bahadur Lala Sita Ram**: (1) With reference to answer to unstarred question No. 11, dated the 5th September, 1924, regarding the fixing of some educational tests or qualifications for officers of the Provincial service promoted to the Imperial Police Service, will the Government be pleased to state if they propose to fix such tests? If so, what, and when?

(2) Are these selections made by any selection board? If so, whom does this board ordinarily consist of?

The Hon'ble Mr. S. P. O'Donnell:

(1) No.

(2) No.

BOARDS OF VISITORS FOR CRIMINAL TRIBES SETTLEMENT.

*8. **Rai Bahadur Lala Sita Ram**: (1) Will the Government be pleased to state if there are any boards of visitors, official and non-official, in connection with the Criminal Tribes Settlement?

(2) If so, what is the personnel of these boards in various places?

(3) If the answer to (1) be in the negative, will the Government be pleased to appoint such visitors at an early date?

Government be pleased at least to appoint a board of settlement and let the local M. L. Cs. be *ex officio*

Muhammad Ali Muhammad Khan: The

(3) and (4) The Government will consider the appointment of a board of visitors to the Kalyanpur settlement and the nomination of local members of the Legislative Council to it.

THE LEE COMMISSION.

*9. **Rai Bahadur Lala Sita Ram** : Will the Government be pleased to state when the debate in connection with the resolution adopted by this Council about the Lee Commission Report was forwarded to the Government of India ?

The Hon'ble Mr. S. P. O'Donnell : On the 1st October, 1924.

*10. **Rai Bahadur Lala Sita Ram** : Is the Government aware that a Blue Book containing the views of the various Local Governments about the recommendations of the Lee Commission was placed on the table of members of the Legislative Assembly during the course of the debate on that Commission's Report in September, 1924.

The Hon'ble Mr. S. P. O'Donnell : Yes.

*11. **Rai Bahadur Lala Sita Ram** : (1) Will the Government be pleased to lay on the tables of members of this Council a copy of the said Blue Book, or in the alternative a copy of the United Provinces Government's replies included in the said Blue Book along with such minutes of members of Government as were published in it ?

(2) Will the Government be pleased to have some copies of this Blue Book supplied to the Council library ?

The Hon'ble Mr. S. P. O'Donnell : The proceedings are embodied in the Legislative Assembly debates, which are available in the library.

SELECTION BOARDS FOR JAIL EXECUTIVE STAFF.

*12. **Rai Bahadur Lala Sita Ram** : Will the Government be pleased to state if there are any selection boards for the recruitment of jail executive staff, i.e., superintendents, jailors and assistant jailors? If so, what is the constitution of these boards ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The question is under consideration.

TIME-SCALE PAY FOR JAIL ESTABLISHMENTS.

*13. **Rai Bahadur Lala Sita Ram** : Will the Government be pleased to state whether any time-scale is proposed for the jail establishments ?

(2) Is it proposed to separate it into executive and clerical ? If so, will this separation be based on the recommendations of any special board ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government are considering the introduction of a time-scale and the separation of the jail staff into two branches, executive and clerical. The proposal to divide the staff into two branches is based on the recommendations of the Indian Jails Committee.

TRAINED GRADUATES.

*14. **Pandit Bhagwat Narayan Bhargava** : What is the number of trained graduates turned out annually by the three higher grade training colleges at Allahabad, Benares and Aligarh ?

The Hon'ble Rai Rajeshwar Bali : The numbers are as follows :—

Allahabad	...	...	...	58
Benares	...	...	...	45
Aligarh	...	...	...	24

For Allahabad and Benares the average for the last three years is given; for Aligarh the actual figures for the first year of existence (1923-24) of the college are given.

***15. Pandit Bhagwat Narayan Bhargava :** How many of them are absorbed in the service of teaching (i) by the Education department, and (ii) by aided or unaided but recognized private institutions?

The Hon'ble Rai Rajeshwar Bali : (i) 28.

(ii) 50—so far as reported by the teachers to the college authorities.

The figures refer to Allahabad and Benares colleges only, and are the averages of the last three years. Particulars regarding the employment of the graduates trained at Aligarh in the session 1923-24 are not available.

***16. Pandit Bhagwat Narayan Bhargava :** (1) Has the Education department any knowledge of what happened to the remainder of the trained graduates?

(2) If so, will it furnish the information?

The Hon'ble Rai Rajeshwar Bali : (1) and (2). The remaining graduates trained at Allahabad and Benares number 25, practically confined to Benares and accounted for as follows :—

(a) In recognized schools in other provinces (including Rajputana and Central India)	...	...	11
(b) Known to have adopted another profession	...	...	2
(c) Particulars of whom are not known	...	...	12
			—
Total	...	...	25

MODEL GIRLS' SCHOOL, JHANSI.

***17. Pandit Bhagwat Narayan Bhargava :** (1) Is it a fact that the Inspectress of Girls' Schools of the Cawnpore circle has ordered the Head Mistress of the Jhansi Model Girls' School to discontinue certain higher classes of the schools? If so, why?

(2) Is it a fact that she has also expressed her desire in the order that girls reading in these classes be asked to join the mission girls' school? If so, why?

(3) Will the Government be pleased to lay on the table a copy of the said order?

The Hon'ble Rai Rajeshwar Bali : (1) Yes. On account of the small enrolment in the higher classes and inadequate class-room accommodation for the junior classes.

(2) The answer to the first part of the question is in the negative; the second part of the question does not arise.

(3) A translation of the order is laid on the table of the honourable member.

READERS OF MR. RAM DAS GOUR.

*21. **Pandit Bhagwat Narayan Bhargava :** (1) Is it a fact that the Government has launched inquiries through the police to know which municipal and district boards schools are teaching the proscribed readers of Mr. Ram Das Gour?

(2) When and in which districts were the inquiries commenced?

The Hon'ble Mr. S. P. O'Donnell : The answer is in the negative.

TEACHERS' TRAINING COLLEGES IN THE UNITED PROVINCES.

*26. **Mr. Mukandi Lal :** (1) Will the Government be pleased to state how many and where are the Teachers' Training Colleges in these provinces?

(2) How much does the Government spend (i) in maintaining those colleges, and (ii) in giving stipends to teachers under training?

(3) How many candidates pass every year out of these institutions?

(4) How many candidates who pass every year out of these colleges are employed (a) in Government institutions, (b) in aided schools, and (c) in private unaided schools?

The Hon'ble Rai Rajeshwar Bali : (1) Five; at Allahabad, Benares, Aligarh, Lucknow and Agra.

(2) (1) Rupees 1,51,750.

(2) Rupees 47,160.

(3) About 190 to 200.

(4) Particulars of Aligarh trained teachers are not available. For the other four colleges the following figures for 1924 are given :—

Number of teachers passed ...	...	...	169
Ditto	appointed to Government service		42
Ditto	known to have been appointed to		
non-Government schools ...	...	...	105

Mr. Mukandi Lal : Has the Government any record as to what happened to those who could not get any employment?

The Hon'ble Rai Rajeshwar Bali : I have already given a reply to this in the answer given to question No. 16 asked by Pandit Bhagwat Narayan Bhargava.

*27. **Mr. Mukandi Lal :** (1) What is the number of those who are each year successful, who do not get any employment after passing from training colleges?

(2) If the Government has no record of those getting employment and those not getting employment, will the Government be pleased to prepare such a record in future?

The Hon'ble Rai Rajeshwar Bali : (1) The honourable member is referred to the answer given to question No. 26 of today's date: further information is not available.

(2) Records of the immediate subsequent careers of students are maintained in the Government Training Colleges and also in the Teachers' Training College, Benares. Such records cannot, however, be complete as, except in the cases of those who obtain Government employment, the information has to be derived from the individuals concerned, who frequently fail to report the facts of their employment.

WATER-WORKS REORGANIZATION SCHEME, LUCKNOW.

*28. **Mr. Mukandi Lal** : Will the Government be pleased to give the following information concerning the Lucknow Water-works Reorganization Scheme :—

- (1) What is the total cost of the scheme ?
- (2) What is the amount of fee charged for supervision ?
- (3) Why was Mr. Pillai, the Sanitary Engineer, removed from its charge and who succeeded him to supervise at Aishbagh ?
- (4) What are the qualifications of Mr. Pillai's successor and when did he enter into Government service ?
- (5) Were any complaints received against the new supervisor ? If they were, was the matter investigated ?

The Hon'ble Rai Rajeshwar Bali : (1) The cost of the whole scheme is 45 lakhs. The cost of the portion so far taken up will be between 28 and 29 lakhs.

- (2) Ten per cent. of the cost.
- (3) Mr. Pillai was removed for administrative reasons and was succeeded by Mr. M. B. Khan.
- (4) The qualifications of Mr. Pillai's successor are as follows :—
 - (a) Civil Engineer from the Crystal Palace School of Practical Engineering, standing first in the final.
 - (b) Associate Member of the Institute of Sanitary Engineers.
 - (c) Member of the Royal Sanitary Institute.
 - (d) Associate Member of the Institute of Municipal and County Engineers.
 - (e) Diploma of the London College of Municipal and Sanitary Engineering.

He entered Government service on the 15th April, 1897.

- (5) Yes.

Mr. Mukandi Lal : Were the qualifications of Mr. Pillai inferior to those of his successor ?

The Hon'ble Rai Rajeshwar Bali : I do not know.

*29. **Mr. Mukandi Lal** : (1) What is the total cost of building the filtration plant ?

(2) Which is the contractor who commenced its construction and is he still continuing it or did he complete it ? If he did not, why did he give up his contract ?

The Hon'ble Rai Rajeshwar Bali : (1) Rupees 1,97,814.

(2) Pandit Mathura Prasad Naithani. He is not continuing the work nor did he complete it. He gave up the contract because he failed to complete it within the stipulated time. Even when the time was extended the progress was slow and the Superintending Engineer had to put on departmental labour to complete the work.

PERIOD OF LEASE OF NAZUL LAND IN KOTDWAR MANDI.

*30. **Mr. Mukandi Lal** : (1) Is it a fact that the residents of Kotdwar Mandi were originally given nazul land by the Government on 90 years' lease and the period of lease has recently been reduced to 30 years ?

(2) If the answer be in the affirmative, will the Government be pleased to extend the period to 99 years?

The Hon'ble Mr. S. P. O'Donnell: (1) In the old mandi the term of leases is, and always has been 30 years, with provision for renewal up to a maximum term of 90 years. In the new mandi leases were originally offered with a ten-year term, but this has now been extended to 30 years.

(2) The Government prefer not to commit themselves at present as to the leases in the new mandi.

KING-EMPEROR *versus* DUKHIWA, TUNDWA, ETC.

***31. Hafiz Hidayat Husain:** (a) With reference to my unstarred question No. 52 of the 5th September, 1924, regarding the assault on Sub-Inspector Babu Ram of Theryaon police-station in the Fatehpur district and the reply of the Government thereon, has the Government now seen the judgment of Babu Triloki Nath Sahib, Sessions Judge of Fatehpur, in Criminal Sessions Trial No. 21 of 1924, *King-Emperor versus Dukhiwa, Tundwa, etc.*, decided on the 16th September, 1924?

(b) Has the Government noticed the passages in the judgment of the learned Judge dealing with the sub-inspector's conduct in tampering with the entry of the case diary?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (a) Government has not yet been able to obtain a certified copy of the judgment as an appeal by the accused is pending in the High Court.

(b) The Inspector-General of Police has seen an uncertified copy and has noticed the passages referred to.

***32. Hafiz Hidayat Husain:** What action does the Government propose to take against the said sub-inspector?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: As the case is still *sub judice* the question of taking action against the sub-inspector cannot be considered until after the appeal.

PROVINCIAL ROADS AND BUILDINGS.

***33. Hafiz Hidayat Husain:** Will the Government be pleased to give a list of the provincial roads and the buildings that remain in the hands of the Public Works department, Buildings and Roads branch, after the buildings have been made over to the departments concerned and the other metalled roads to the district boards for repair and upkeep in pursuance of the Public Works department Reorganization Committee report and the Government resolution thereon?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: (1) All provincial roads—details of which will be found in the statement placed on the honourable member's table.

(2) Local roads in the districts of Almora, Garhwal, Naini Tal, Dehra Dun, Bareilly, Bulandshahr and Mirzapur. These will be found in the statement of local roads placed on the honourable member's table.

(3) All buildings belonging to the Public Works department, a list of which is placed on the honourable member's table.

(4) The Secretariat offices and all residences attached to the Secretariat at Allahabad, Lucknow and Naini Tal.

(5) The residences of the Hon'ble Members and Ministers.

- (6) The Government Houses at Allahabad, Lucknow and Naini Tal and all subsidiary buildings attached thereto.
 (7) All provincial Archaeological monuments.
 (8) Circuit Houses.
 (9) The Government Press and subsidiary buildings.

REDUCTION IN PUBLIC WORKS DEPARTMENT.

*34. **Hafiz Hidayat Husain :** (a) How many divisional headquarters have now been constituted and at what places? Are all District Engineers and District Surveyors attached to these divisional offices?

(b) Have Government made any corresponding reductions in the staff in view of reduction in the department and, if so, to what extent?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) The proposed number of divisions as a result of the Public Works department Committee's report will be ten, viz. :—

- | | |
|-------------------------|----------------|
| (1) Dehra Dun. | (6) Lucknow. |
| (2) Meerut. | (7) Allahabad. |
| (3) Agra. | (8) Jhansi. |
| (4) Bareilly. | (9) Benares. |
| (5) Kumaun (Naini Tal). | (10) Fyzabad. |

The number of officers that are likely to be attached or be in charge of divisions and districts is as given in the appendix (a copy of which is attached for information) appended to this department resolution No. 774-M.C., dated the 1st July, 1924.

(b) Yes. The saving anticipated in the Chief Engineer's note regarding the reorganization was Rs. 7,55,329. Against this a saving of Rs. 3,70,301 has already been effected in the last three years. A further saving of Rs. 3,00,000 approximately is anticipated in 1925-26, leaving a balance of Rs. 85,028 which will be settled gradually as the reorganization of the department proceeds. These figures represent the gross savings.

Including retirements, about 316 posts of all classes have come under reduction.

APPENDIX.

(REFERRED TO IN PARAGRAPH 17 OF THE PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS BRANCH RESOLUTION NO. 774-M.C., DATED THE 1ST JULY, 1924.)

The probable minimum to which the Public Works department cadres will be reduced when the new policy takes effect, the grouping of districts in divisional charges, and the distribution of the staff are shown below in tabular form.

Divisions and districts.				Executive Engineers.	Assistant Engineers.	Sub-ordinates.	Remarks.
1—DEHRA DUN DIVISION				1	..	..
Dehra Dun (all work)	..	..	..	..	1	4	
Saharanpur	..	..	..	}	2	1	
Muzaffarnagar	..	..	..			1	
Bijnor	..	..	..			1	
Moradabad	..	..	..			1	
Carried over	..			1	3	8	

Divisions and district.				Executive Engineers.	Assistant Engineers.	Sub- ordinates.	Remarks.
Brought forward				1	3	8	
2—MEERUT DIVISION	..	..	..	1	..	1	
Meerut	..	..	..	}	2	1	
Bulandshahr	..	..	..			1	
Aligarh	..	..	..			1	
Muttra	..	..	..			1	
3—AGRA DIVISION	..	..	..	1	..	1	
Agra	..	..	..	}	2	1	
Mainpuri	..	..	..			1	
Etah	..	..	..			1	
Etawah	..	..	..			1	
Farrukhabad	..	..	..	1	..	1	
4—BAREILLY DIVISION	..	..	..	1	..	1	
Budaun	..	..	..	}	2	1	
Bareilly	..	..	..			1	
Pilibhit	..	..	..			1	
Shahjahanpur	..	..	..			1	
Kheri	..	..	..	..	..	1	
Sitapur	..	..	..	1	..	..
Hardoi	..	..	..	1	..	..
5—KUMAUN DIVISION (all works)	..	..	..	1	..	..
Almora	..	..	..	}	1	}	27
Naini Tal	..	..	..	
Ayarpatta	..	..	..	
Garhwal	..	..	..	
6—LUCKNOW DIVISION	..	..	..	1	..	..
Lucknow	..	..	..	}	2	2	
Unao	..	..	..			1	
Cawnpore	..	..	..	..	1	2	
7—ALLAHABAD DIVISION	..	..	..	1	..	..
Fatehpur	..	..	..	}	2	1	
Rae Bareli	..	..	..			1	
Allahabad	..	..	..			2	
Partabgarh	..	..	..			1	
8—JHANSI DIVISION	..	..	..	1	..	..
Banda	..	..	..	}	2	1	
Hamirpur	..	..	..			1	
Jhansi	..	..	..			2	
Jalaun	..	..	..			1	
9—BENARES DIVISION	..	..	..	1	..	..
Benares	..	..	..	}	2	1	
Jaunpur	..	..	..			1	
Azamgarh	..	..	..			1	
Ghazipur	..	..	..			1	
Ballia	..	..	..	..	..	1	
Mirzapur	..	..	..	..	1	2	
10—FYZABAD DIVISION	..	..	..	1	..	..
Fyzabad	..	..	..	}	1	1	
Sultanpur	..	..	..			1	
Bara Banki	..	..	..			1	
Bahraich	..	..	..			1	
Gonda	} Gonda sub-division	..	..	..	1	4	
Basti		..	..	..	..	..
Gorakhpur		..	..	..	..	..
Total	..	..	..	10	25	77	
For 25 large works	..	..	..	..	11	30	
Odd jobs	..	..	..	..	..	9	
Leave reserve	..	..	..	2	6	18	
GRAND TOTAL	..	..	..	12	42	129	

NOTES.—(1) The above cadres do not include the staff required for Rajputana.

(2) The distribution of the establishment is liable to alteration. It cannot be definitely decided at this stage, as the amount of work in various areas will depend on the development of the new policy.

*35. **Hafiz Hidayat Husain** : Will the Government, to secure further reduction in the work of the Public Works department, consider the advisability of transferring the provincial roads and such buildings as still remain in the Public Works department to the Irrigation department in those districts where there is a Canal department ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The advisability of transferring provincial roads and buildings to the Irrigation branch was considered by the Public Works Reorganization Committee of 1922. The Committee found that owing to the extensive transfer of roads to the charge of local boards, no advantage would be gained by the introduction of a third agency. Government agree with this recommendation.

COMMUNAL RIOTS AT LUCKNOW.

*36. **Hafiz Hidayat Husain** : What were the causes that led to outbreak of the communal riots at Lucknow in September last ?

The Hon'ble Mr. S. P. O'Donnell : Communal feelings were strained by the events at Amethi which culminated in a disturbance there. A short time afterwards, attempts were made in Lucknow to hold a large combined Ram Dol procession during the Janam Ashtami, instead of a series of small family processions.

These processions were carried out with some difficulty under strictly regulated conditions. Finally, after this, there was a dispute as to the respective times for Hindu and Muhammadan evening prayers in Aminabad Park. Attempts were made to settle this amicably, but failed. An order regulating the times of *namaz* and *arti* had to be passed under section 144, Criminal Procedure Code. Meetings of protest were held on the evening this order was passed. A false rumour that a Hindu boy had had his "chutia" cut off resulted in excitement and the looting of a Muslim shop.

*37. **Hafiz Hidayat Husain** : What was the total number of casualties on the night of the 12th September and subsequent days ? How many Hindus and how many Moslems ? What is the extent of the material loss suffered by each community ?

The Hon'ble Mr. S. P. O'Donnell : A statement is laid on the table. Hindu losses are estimated at Rs. 1,200. A small temple was also damaged. Muhammadan losses are estimated at Rs. 1,153.

(Statement referred to in the answer to starred question No. 31 for the 18th December, 1924.)

	Dead.		Injured.	
	Hindu.	Muhammadan.	Hindu.	Muhammadan.
12th September (night) ..	..	1	16	85
13th " ..	..	..	27	8
14th " ..	1	..	34	12
15th " ..	..	..	2	1
16th " ..	..	..	10	9
17th " ..	..	..	2	4
18th " ..	..	..	..	1
19th " ..	..	..	1	1
	1	1	92	71

* 38. **Hafiz Hidayat Husain** : How many Moslem shops were looted by the Hindu rioters on the night of the 12th September and what is the extent of damages suffered by those shopkeepers?

The Hon'ble Mr. S. P. O'Donnell : Two Moslem shops were looted by rioters on the night of the 12th September. Five more shops were reported on the 16th September to have been attacked on the night of the 12th September, but the accuracy of these reports is doubtful.

The total damage on the night of the 12th September to Moslem shopkeepers is computed, at a liberal estimate, at Rs. 1,130.

* 39. **Hafiz Hidayat Husain** : Was there any firing in Aminabad, Pirjailil roads and Rakabganj ; if so, by whom, and with what result?

The Hon'ble Mr. S. P. O'Donnell : Firing was not resorted to by the police or military. It is reported that certain private individuals used firearms on this occasion, but no injuries were inflicted. The Government is not in a position to publish the names asked for.

* 40. **Hafiz Hidayat Husain** : Was one Ismail, *ekkarwala*, murdered on the night of the 12th September? Have any arrests been made in this connection?

The Hon'ble Mr. S. P. O'Donnell : Muhammad Ismail, *ekka*-driver was found dead in his *ekka* No. 227. From the injuries it is presumed that he was murdered, but no clue has been found. No trace of the identity of the supposed culprits has been obtained. No arrests have been made.

* 41. **Hafiz Hidayat Husain** : How many arrests have been made in connection with the riots by the Kotwals of Chauk and Hazratganj, respectively?

How long have these officers been employed in their present capacity? Were they in charge of any such important police-stations before?

The Hon'ble Mr. S. P. O'Donnell : In the area in the charge of the Kotwal, Chauk, 83 arrests were made in connection with the riots (40 Hindus and 43 Muhammadans).

In the area in the charge of the Kotwal, Hazratganj, no formal arrests were made. A number of persons were placed under restraint and allowed to go free when there was no longer any immediate local apprehension of a breach of the peace.

The Kotwal, Chauk, has been employed in his present capacity for seven and a half months.

The Kotwal, Hazratganj, has been employed in his present capacity for rather more than 18 months.

They are both Inspectors and have been in charge of important circles before.

* 42. **Hafiz Hidayat Husain** : How many police-officers and constables were injured during the riots? Has there been any case of serious injury to any police-officer or man?

The Hon'ble Mr. S. P. O'Donnell : Three police constables were injured during the riots. There were no cases of serious injury.

PUNITIVE TAX IN LUCKNOW.

*43. **Hafiz Hidayat Husain** : Has any punitive tax been imposed or does the Government contemplate to impose any such taxation on the city of Lucknow, and, if so, in which part of it?

The Hon'ble Mr. S. P. O'Donnell : No punitive tax has been imposed on any part of Lucknow City. As to the second part of the question Government are not in a position to make a statement.

DEHRA DUN-MUSSOORIE MOTOR ROAD.

*44. **Thakur Manjit Singh Rathor** : Will the Government be pleased to inform the Council what progress the Dehra Dun-Mussoorie Motor Road has made during the last four years?

The Hon'ble Lieut. Nawab Muhan mad Ahmad Sa'id Khan : The section from Upper Rajpur to Kolukhet was completed by 1921 and during the past four years work has been proceeding on the adjoining section from Kolukhet to Bhatta. This section will be completed next year, if funds are provided.

*45. **Thakur Manjit Singh Rathor** : (a) What is the total amount of money that has been spent on the project so far?

(b) What is the total initial cost of the project?

(c) What is the estimated annual recurring expenditure on the upkeep and maintenance of the road in question?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :

				Rs.
(a)	Upper Rajpur to Kolukhet	..	..	5,14,212
	Kolukhet to Bhatta	..	..	2,64,492
			Total	7,78,704
(b)	Lower Rajpur to Upper Rajpur	..	..	1,44,717
	Upper Rajpur to Kolukhet	..	..	5,14,212
	Kolukhet to Bhatta	..	..	3,40,137
	Supplementary estimate being submitted	..	..	43,391
			Total	10,42,457

The Mussoorie municipality have signified their willingness to pay for the extension of the road from Bhatta to Mussoorie, but have asked the Government to give them a grant of Rs. 10,000 equivalent to the cost of the bridle-path it was proposed to construct from Bhatta to Barlowganj.

(c) For length nearly constructed, i.e., $9\frac{1}{2}$ miles (including renewal of two miles) Rs. 14,820. The yearly cost of maintenance of the portions not commenced cannot at present be stated with any degree of accuracy, but it is believed that the cost of upkeep of the whole road from Lower Rajpur to Mussoorie will not exceed Rs. 20,000 per annum.

*46. **Thakur Manjit Singh Rathor** : (a) What is the total mileage to be covered by the road?

(b) How many miles of the road have already been completed during the last four years?

(c) Is the completed portion of the road serviceable and is it open to public traffic ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan :

(a) Total mileage up to Bhatta village from Lower Rajpur	..	11 miles.
Bhatta to Mussoorie (for which municipal board, Mussoorie, is going to provide funds)	..	4½ "
Total length	..	15½ "

(b) Five miles completed by 1921, 4½ miles under construction and can be completed next year.

(c) Five and a half miles (from Upper Rajpur to just beyond Kolukhet) is open to traffic, the portion under construction, i.e., another four miles, was open to cart traffic up to June, 1924, but was then blocked by slips. It is hoped to reopen this soon.

Owing to the existing road through Rajpur bazar being considered dangerous for motor traffic, hired motor vehicles are not permitted to proceed beyond Lower Rajpur; for such vehicles, therefore, the section from Upper Rajpur to Bhatta will be inaccessible until the section from Lower Rajpur to Upper Rajpur is completed. This could be finished in a year, if funds were provided.

*47. **Thakur Manjit Singh Rathor :** (a) Will the Government be pleased to state what engineering experts it consulted before the project was taken in hand ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : None outside the Public Works department.

*48. **Thakur Manjit Singh Rathor :** (a) Who are the contractors in charge of the construction of the road ?

(b) What is the time-limit in which the road in question must be completed ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Rai Bahadur Sirdar Narain Singh had the contract for the Rajpur-Kolukhet section but, having failed to do the consolidation, etc., another contractor, Lala Jhandoo Mal of Rajpur, completed the work.

The work on the Kolukhet-Bhatta section is being carried out piecemeal, and the following contractors have so far been employed :—

- | | |
|------------------|-------------------------------|
| (1) Roop Ram. | (6) Guman Singh. |
| (2) Padam Singh. | (7) Lala Jhandoo Mal. |
| (3) Alli. | (8) Lallu Langara. |
| (4) Abdul Karim. | (9) Ratti Ram and Ram Prasad. |
| (5) Rahimco. | (10) Girdhari Lal. |

(11) Kashi Singh.

(b) It is not possible to enter into any contract to complete the road within a specified time as the period required depends on the grants passed by the Council. Contracts are entered into, each year, up to the amount of the budget allotment.

If full allotment were granted and orders to carry on work given now the road from Lower Rajpur to Bhatta could be opened to motor traffic by April, 1926. The section from Bhatta to Mussoorie will take two years to construct.

RAJPUR-DEHRA DUN CANAL.

* 49. **Thakur Manjit Singh Rathor :** (a) Will the Government be pleased to state what the reason is that the Rajpur-Dehra Dun canal has made very slow progress during the last two years?

* 50. **Thakur Manjit Singh Rathor :** (1) (a) What is the total amount of money sanctioned for the construction of the canal?

(b) How much has already been spent on the construction so far?

(c) When is the canal likely to be completed?

(2) Will the Government be pleased to expedite the construction of the canal?

The Hon'ble Mr. S. P. O'Donnell : The chief causes of delay are the necessity of revising the estimate owing to the rise in rates, and certain alteration in design.

* 50—(1) (a) Rs. 2,77,245 for works.

(b) Rs. 1,85,847.

(c) During the working season if there is no delay in land acquisition.

COMMUNAL RIOTS.

* 60. **Thakur Manjit Singh Rathor :** (1) What is the number of communal riots that have taken place in the United Provinces during 1919, 1920, 1921, 1922, 1923, and 1924?

(2) At what places did these riots take place?

(3) What was the number of dead and wounded?

* 61. How many persons were found guilty of participating in the riots considered separately, how many of them were punished, to what terms of imprisonment; what is the unexpired portion of the sentence at the time of answering the question?

* 62. (1) (a) How many persons received capital punishment for these riots?

(b) How many of such sentences were commuted? To what terms of imprisonment?

(2) Will the Government be pleased to issue a tabular statement giving answer to the above question?

The Hon'ble Mr. S. P. O'Donnell : A statement is laid on the table, containing all the information readily available. The Government does not, as a rule, receive copies of judgments, and further details could only be ascertained by a long and unprofitable inquiry from all districts.

REVOCATION OF LICENCE FOR SWORDS AND SPEARS AT
ALLAHABAD.

* 63. **Thakur Manjit Singh Rathor :** (1) Is it a fact that the exemption to bear swords and spears without licence in the district of Allahabad was revoked?

On what date did this revocation of the exemption take place?

Has the exemption been abrogated for an indefinite period?

Was the exemption granted for the first time during recent

Amjad Ali Muhammad Khan : Yes.

3. Yes.

4. 1st January, 1920.

* 64. **Thakur Manjit Singh Rathor** : Is it a fact that the communal rioting at Allahabad in October is the immediate cause of the abrogation of the exemption.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

* 65. **Thakur Manjit Singh Rathor** : In case answer to Question No. 64 be in the affirmative, will the Government be pleased to say if the exemption will be restored as soon as communal tension has subsided and normal conditions obtained ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The exemption will be restored as soon as unrestricted possession of these arms is considered safe.

BOLSHEVISTS IN JAIL.

66. **Thakur Manjit Singh Rathor** : Will the Government be pleased to state the names of the jails where the prisoners of what is known as the Bolshevik Conspiracy case are lodged ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : S. H. Dange is confined in the Sitapur District Jail, Muzaffar Ahmad in the Rae Bareilly District Jail, and Shaukat Usmani in the Bareilly District Jail.

* 67. **Thakur Manjit Singh Rathor** : What are the details as to name, age, and educational qualifications and profession of the Bolsheviks undergoing imprisonment ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : A statement in laid on the table.

Statement showing the details of three Bolshevik prisoners as asked for in Council Question No. 67.

Serial no.	Name.	Age.	Educational qualifications.	Profession.
1	Sripat Amrit Dange ..	25 years ..	Completed the graduate course in Bombay.	Writer, journalist, and printer.
2	Shaukat Usmani ..	25 do. ..	Passed Matriculation Dugar College, Bikaner.	Journalist.
3	Muzaffar Ahmad ..	30 do. ..	Passed the Intermediate Examination, Calcutta University.	Ditto.

* 68. **Thakur Manjit Singh Rathor** : Are the Bolsheviks being treated as political prisoners, or they are also classed as non-politicals ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government now recognize no such classification. The prisoners referred to are being treated as ordinary prisoners.

* 69. **Thakur Manjit Singh Rathor** : What is the general condition of their health ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The health of S. H. Dange and Shaukat Usmani is reported to be good ; that of Muzaffar Ahmad is reported to be indifferent, but to be improving

* 70. **Thakur Manjit Singh Rathor :** (1) (a) Is it a fact that one of the Bolsheviks was meted out such severe treatment that in the month of September or about that time he gave up food for 26 days?

(b) What were the reasons that led this prisoner to adopt this serious course of action?

(2) What is the report of the Superintendent and the non-official visitor of this jail with regard to this matter?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) (a) and (b) No. The prisoner expressed his intention of hunger-striking till he was given special treatment.

(2) The Superintendent reported that the prisoner said that he would give up his hunger-strike as soon as he was given special treatment. The non-official visitor Khan Bahadur Mahbub Ali Khan Sahib, M.L.C., recorded a note to the effect that the prisoner said that he had hunger struck with a view to making a representation of his case and thereby creating a favourable impression upon Government about himself.

ABOLITION OF THAKURDWARA TAHSIL.

* 74. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have arrived at any decision as regards the abolition of the Thakurdwara tahsil?

The Hon'ble Mr. S. P. O'Donnell : No decision has yet been arrived at.

BHOJPUR-PIPALSANA (MORADABAD).

* 75. **Dr. Shafa'at Ahmad Khan :** Is it a fact that the health of inhabitants of Bhojpur-Pipalsana, in Moradabad district, has been greatly affected by the way in which the line has been built?

(2) Is it a fact that the railway line from Sehal station to Bhojpur station, in the Moradabad district, completely prevents the free passage of water?

The Hon'ble Mr. S. P. O'Donnell : (1) No.

(2) The honourable member is referred to the answers given to unstarred Question Nos. 39 and 40 for the meeting of the 17th December, 1924, which are reproduced below.

Unstarred question No. 39 asked by DR. SHAFAT AHMAD KHAN, at the Council meeting held on the 17th December, 1924.

Question.—Has the attention of the Government been drawn to the effect of the construction of the railway line from Moradabad to Kashipur on the inhabitants of the tracts through which the line passes?

Answer.—Yes; and the question was investigated by a committee which sat in May, 1914. The committee were of opinion that the flooding of the country could not be attributed to the presence of the Rohilkhand and Kumaun Railway embankment. On the other hand, the committee considered that the presence of the bank protected a large area of the country to east and south-east of the line against flood. The committee were unable, in face of the evidence recorded, to account for any con-

nection between the construction of the railway bank and the serious flooding that occasionally takes place.

Unstarred question No. 40 asked by DR. SAFA'AT AHMAD KHAN, at the Council meeting held on the 17th December, 1924.

Question.—Will the Government be pleased to represent to the Railway authorities the necessity of building more culverts between Sehla and Bhojpur stations?

Answer.—The committee referred to in the answer given to the previous question were of opinion that the omission of waterways in the Moradabad-Kashipur railway has not adversely affected the flood condition over the tract of the country to the west of the line, while it affords material protection to a large area of the country to the east and south-east. The committee were of opinion, that under no circumstances, would it be advisable to provide additional waterways in this portion of the line as such a proceeding might tend to divert the Dhela river and, possibly, also the Ramganga in this direction.

MUSLIM HEWETT SCHOOL, MORADABAD.

* 76. **Dr. Shafa'at Ahmad Khan :** (1) Is it a fact that the Muslim Hewett School, Moradabad, applied for a grant for furniture in the beginning of this year?

(2) Is it a fact that the school authorities were informed that the grant would be recommended, provided an equal amount were provided by the school authorities?

(3) Is it fact that the sum of Rs. 1,200 was actually collected by school authorities?

(4) Is it true that later on the school authorities were informed that the grant could not be sanctioned? What was the reason for this change?

The Hon'ble Rai Rajeswar Bali : (1) Yes.

(2) No.

(3) Yes.

(4) The answer to the first part of the question is in the negative; the second part does not arise.

* 77. **Dr. Shafa'at Ahmad Khan :** Is it a fact that another school at Moradabad, which applied for a grant of Rs 5,000, has been recommended for the grant? What was the reason for this differentiation?

The Hon'ble Raja Rajeshwar Bali : The answer to the first part of question is in the affirmative. As regards the second part of the question the honourable member is referred to the reply given to Question No. 78 of today's date.

* 78. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to sanction the grant of Rs. 1,200 for the school?

The Hon'ble Raja Rajeshwar Bali : The grant has been sanctioned.

GOVERNMENT HIGH SCHOOL, AMROHA.

* 80. **Dr. Shafa'at Ahmad Khan :** (1) Have the Government decided not to abolish Government High School, Amroha?

(2) If so, will the Government be pleased to re-assure the Amroha public by publishing a *communiqué* on the subject?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The health of S. H. Dango and Shaukat Usmani is reported to be good; that of Muzaffar Ahmad is reported to be indifferent, but to be improving.

* 70. **Thakur Manjit Singh Rathor :** (1) (a) Is it a fact that one of the Bolsheviks was meted out such severe treatment that in the month of September or about that time he gave up food for 26 days?

(b) What were the reasons that led this prisoner to adopt this serious course of action?

(2) What is the report of the Superintendent and the non-official visitor of this jail with regard to this matter?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) (a) and (b) No. The prisoner expressed his intention of hunger-striking till he was given special treatment.

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(b) What were the reasons that led this prisoner to adopt this serious course of action?

(2) What is the report of the Superintendent and the non-official visitor of this jail with regard to this matter?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) (a) and (b) No. The prisoner expressed his intention of hunger-striking till he was given special treatment.

(2) The Superintendent reported that the prisoner said that he would give up his hunger-strike as soon as he was given special treatment. The non-official visitor Khan Bahadur Mahbub Ali Khan Sahib, M.L.C., recorded a note to the effect that the prisoner said that he had hunger struck with a view to making a representation of his case and thereby creating a favourable impression upon Government about himself.

ABOLITION OF THAKURDWARA TAHSIL.

* 74. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have arrived at any decision as regards the abolition of the Thakurdwara tahsil?

The Hon'ble Mr. S. P. O'Donnell : No decision has yet been arrived at.

BHOJPUR-PIPALSANA (MORADABAD).

* 75. **Dr. Shafa'at Ahmad Khan :** Is it a fact that the health of inhabitants of Bhojpur-Pipalsana, in Moradabad district, has been greatly affected by the way in which the line has been built?

(2) Is it a fact that the railway line from Sehla station to Bhojpur station, in the Moradabad district, completely prevents the free passage of water?

The Hon'ble Mr. S. P. O'Donnell : (1) No.

(2) The honourable member is referred to the answers given to unstarred Question Nos. 39 and 40 for the meeting of the 17th December, 1924, which are reproduced below.

Unstarred question No. 39 asked by Dr. SHAFAT AHMAD KHAN, at the Council meeting held on the 17th December, 1924.

Question.—Has the attention of the Government been drawn to the effect of the construction of the railway line from Moradabad to Kashipur on the inhabitants of the tracts through which the line passes?

Answer.—Yes; and the question was investigated by a committee which sat in May, 1914. The committee were of opinion that the flooding of the country could not be attributed to the presence of the Rohilkhand and Kumaun Railway embankment. On the other hand, the committee considered that the presence of the bank protected a large area of the country to east and south-east of the line against flood. The committee were unable, in face of the evidence recorded, to account for any con-

nection between the construction of the railway bank and the serious flooding that occasionally takes place.

Unstarred question No. 40 asked by DR. SHAFAT AHMAD KHAN, at the Council meeting held on the 17th December, 1924.

Question.—Will the Government be pleased to represent to the Railway authorities the necessity of building more culverts between Sehla and Bhojpur stations?

Answer.—The committee referred to in the answer given to the previous question were of opinion that the omission of waterways in the Moradabad-Kashipur railway has not adversely affected the flood condition over the tract of the country to the west of the line, while it affords material protection to a large area of the country to the east and south-east. The committee were of opinion, that under no circumstances, would it be advisable to provide additional waterways in this portion of the line as such a proceeding might tend to divert the Dhola river and, possibly, also the Ramganga in this direction.

MUSLIM HEWETT SCHOOL, MORADABAD.

* 76. **Dr. Shafa'at Ahmad Khan :** (1) Is it a fact that the Muslim Hewett School, Moradabad, applied for a grant for furniture in the beginning of this year?

(2) Is it a fact that the school authorities were informed that the grant would be recommended, provided an equal amount were provided by the school authorities?

(3) Is it fact that the sum of Rs. 1,200 was actually collected by school authorities?

(4) Is it true that later on the school authorities were informed that the grant could not be sanctioned? What was the reason for this change?

The Hon'ble Rai Rajeswar Bali : (1) Yes.

(2) No.

(3) Yes.

(4) The answer to the first part of the question is in the negative; the second part does not arise.

* 77. **Dr. Shafa'at Ahmad Khan :** Is it a fact that another school at Moradabad, which applied for a grant of Rs 5,000, has been recommended for the grant? What was the reason for this differentiation?

The Hon'ble Raja Rajeshwar Bali : The answer to the first part of question is in the affirmative. As regards the second part of the question the honourable member is referred to the reply given to Question No. 78 of today's date.

* 78. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to sanction the grant of Rs. 1,200 for the school?

The Hon'ble Raja Rajeshwar Bali : The grant has been sanctioned.
GOVERNMENT HIGH SCHOOL, AMROHA.

* 80. **Dr. Shafa'at Ahmad Khan :** (1) Have the Government decided not to abolish Government High School, Amroha?
(2) If so, will the Government be pleased to re-assure the Amroha public by publishing a *communiqué* on the subject?

The Hon'ble Rai Rajeshwar Bali : (1) Yes.

(2) In view of the announcement now made, no further assurance is necessary.

FOREIGN SCHOLARSHIPS COMMITTEE.

* 81. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to state if they have formulated any resolution on the report of the Foreign Scholarships Committee, which held meetings at Naini Tal in 1921?

(2) Why has it taken the Government three and half years to arrive at a decision?

The Hon'ble Rai Rajeshwar Bali : The honourable member is referred to the answer given on the 15th December, 1924, to starred Question No. 166 for the 9th September, 1924.

Starred Question No. 166 for the 9th September, 1924, and the reply given thereto on the 15th December, 1924.

Question.—What action have the Government taken with regard to the Foreign Scholarships Committee whose meetings were held at Naini Tal in 1921?

Have the Government passed any resolution on the report of the committee?

If not, why not?

Reply.—Government have sanctioned the award of five foreign scholarships annually. No resolution has been passed on the report as none was considered necessary.

TECHNICAL SCHOLARSHIPS.

* 82. **Dr. Shafa'at Ahmad Khan :** How many technical scholarships are awarded by the Government every year?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government propose to award four technical scholarships next year, provided that the necessary funds are voted by the Legislative Council.

* 83. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to supply accurate information regarding the career of those students to whom technical scholarships were awarded and who have returned to India after completion of their study in England?

(2) Has the Government made any arrangement regarding the employment of such scholars?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (1) Three scholars have returned since 1921: Messrs. M. C. Gupta (1921), M. P. Bhargava (1922), and M. N. Bahuguna (1923). The first is now an Assistant Executive Engineer, 3rd Engineering division, Public Health department, drawing a salary of Rs. 700; the second is an assistant to the Paper Pulp Expert to the Government of India at the Forest Research Institute and College, Dehra Dun, on a salary of Rs. 375—50—1,600, plus a special pay of Rs. 150 per mensem; the third was appointed Wood Tar Expert of the Kumaun Forest circle of these provinces on a salary of Rs. 300 for the period from 1st June, 1923 to 31st March, 1924, when the post was reduced.

(2) No. The honourable member is referred to paragraph 10 of notification No. 1011/XVIII—173 of the 2nd May, 1924.

Mr. Mukandi Lal : What happened to the last-named gentleman whose post was reduced on the 31st March, 1924?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I am not aware.

MUSALMAN WAQF ACT.

* 84. **Dr. Shafa'at Ahmad Khan :** When do the Government contemplate the enforcement of the Musalman Waqf Act of 1923?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The Act has already been applied.

* 85. **Dr. Shafa'at Ahmad Khan :** How far and to what extent are the Government prepared to redeem their promise to enforce the Act?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to notification No. 629/IX, dated the 6th November, 1924.

* 86. **Dr. Shafa'at Ahmad Khan :** (1) Have the Government framed any rules under the Musalman Waqf Act?

(2) If the answer is in the affirmative, will the Government be pleased to state if they intend publishing these rules soon? When will they be published?

(3) If the answer is in the negative, will the Government be pleased to state the reason?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to notification No. 594/IX—328, dated the 30th October, 1924, publishing the draft rules.

* 87. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if any account of Muslim endowments in these provinces has been published by it?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The accounts of a few Muslim endowments have been published.

* 88. **Dr. Shafa'at Ahmad Khan :** (1) Do the Collectors of various districts possess a complete list of *wagfs* in their districts?

(2) If so, will the Government be pleased to collect these lists and publish them in the official Gazette?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The answer is in the negative.

* 89. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to instruct all Collectors to furnish a complete list of *wagfs* in their districts through the information supplied to them by the patwaris and kanungos?

(2) Will the Government be pleased to publish the list in the official Gazette?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government are not prepared to take the step suggested.

* 90. **Dr. Shafa'at Ahmad Khan:** (1) Will the Government be pleased to institute a thorough inquiry into—

- (a) the history,
- (b) nature,
- (c) administration, and
- (d) amount of Muslim *waqfs* in the following districts :—
 - (1) Moradabad,
 - (2) Muzaffarnagar,
 - (3) Jaunpur,
 - (4) Bulandshahr,
 - (5) Sitapur?

(2) Will the Government be pleased to publish the results of such inquiry?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The enforcement of the Act has rendered the proposed inquiry superfluous.

HUSAINABAD TRUST, LUCKNOW.

* 91. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state if the Husainabad Trust in Lucknow is administered by a committee? Are any accounts of the trust published? Are they audited by a chartered accountant?

The Hon'ble Mr. S. P. O'Donnell: The trust is administered by a committee of three. The accounts are sent to Government with the annual report and audited annually by the Examiner of Local Fund Accounts. The accounts have not hitherto been published.

SEGREGATION OF LEPERS.

* 92. **Dr. Shafa'at Ahmad Khan:** Do the Government intend to bring in a Bill for the segregation of lepers in these provinces?

The Hon'ble Rai Rajeshwar Bali: The Lepers Act III of 1898, as amended by Act XXII of 1920, provides for the segregation of certain classes of lepers. The Government do not at present intend further legislation in this matter.

BRASS-WARE SCHOOL, MORADABAD.

* 101. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state the amount spent on the new school for brass-ware manufacture at Moradabad? What is the number of students on the roll, and the number and qualifications of teachers?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The annual expenditure of the school is Rs. 3,000, of which Rs. 1,500 have been sanctioned by the Board of Industries out of the allotment placed at their disposal, and Rs. 1,500 are paid by the municipal board.

The number of students on the roll is 22.

There are at present two instructors—The Shaping Master and the Drawing Master. The Shaping Master is a local man with thorough practical training in brass manufacture. The part-time Drawing Master is a fully qualified Drawing Master of a local institution.

* 102. **Dr. Shafa'at Ahmad Khan:** Has the department of Industries considered the possibility of sending a member of its department,

or a scholar, to Europe or America, to learn modern methods employed in brass-ware manufacture?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The proposal was considered but was not found feasible.

*103. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state if any effort has been made by the department to put manufacturers of brass-ware in touch with foreign manufacturers? If so, when, and to what extent?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Yes, through the Emporium at Lucknow and, recently, through the British Empire Exhibition.

INDUSTRIAL BANK.

*104. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state if there is any possibility of an industrial bank being established in these provinces?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The question of establishing an industrial bank is being examined by the Industries committee and Government will consider the matter on receipt of the committee's recommendations.

*105. **Dr. Shafa'at Ahmad Khan:** (1) Will the Government be pleased to state the number of banks, with their capital, and the number of depositors, in these provinces?

(2) How far, and to what extent, do these banks help local industries?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: (1) The honourable member is referred to the annual report of the Joint Stock Companies and the statistical tables relating to banks in India issued by the Commercial Intelligence department, India. Government have no information about the number of depositors.

(2) It is understood that most of the banks help local industries, but the extent of their assistance is not known to Government.

SCHOLARSHIPS FOR BRASS-WARE INDUSTRY.

*106. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to reserve a number of scholarships for brass-ware industry?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: Scholarships are already given at the aided brass-ware school at Moradabad. If the proposed brass-ware school is opened at Benares, Government will consider the award of further scholarships.

INDUSTRIAL COMMITTEE.

*107. **Dr. Shafa'at Ahmad Khan:** (1) Will the Government be pleased to state the progress made by the Industrial Committee of which Mr. Burn is the Chairman?

(2) Will the Government be pleased to state the places it has already visited, the individuals and firms consulted by it, and the amount devoted by it to touring?

(3) How much money has been spent so far on the travelling allowances of the members of the committee?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The Industries Committee held meetings in July, August, September and October, 1924, for discussion and deliberation. They also visited technical institutions, factories and industrial concerns at Lucknow, Benares, Allahabad, Gorakhpur, Cawnpore, Agra, Jhansi, and Meerut. The collection of information on points raised in the questionnaire which was published in the papers has now been almost completed and is being considered by the members individually. A few witnesses have also been examined and more will be examined orally in December. Besides the points raised in the questionnaire, the committee have reported on several questions specifically referred to them by Government.

(2) and (3) Lists of the individuals and firms consulted and the places visited are laid on the table of the honourable member. The questionnaire was sent to the Press and about 150 officials, private firms, and individuals, besides the agents of the more important joint stock banks in the province. The total amount so far spent on the travelling allowance of the non-official members of the committee is Rs. 1,836-6-6.

* 108. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have decided to carry into effect the resolution moved by Mr. Mohan Lal Saksena at the last meeting of the Council?

(2) If the answer is in the negative, will the Government be pleased to state the reasons for its inability to give effect to the resolution of the Council?

The Hon'ble Mr. S. P. O'Donnell : (1) No.

(2) As explained during the course of the debate the object in question is not one for which under the statutory rules the famine insurance fund can be used.

Mr. Mukandi Lal : Will the Government be pleased to state the reasons for its inability to give effect to the resolution referred to?

The Hon'ble Mr. S. P. O'Donnell : I have just answered the question. The reason is in the second part of the answer.

Mr. Mukandi Lal : Do the Government propose to do so in future?

The Hon'ble Mr. S. P. O'Donnell : No.

SEGREGATION OF PROSTITUTES.

* 109. **Dr. Shafa'at Ahmad Khan :** (1) Has the attention of the Government been drawn to the growth in the number of prostitutes in these provinces?

(2) Will the Government be pleased to impress on the municipal boards the necessity for the segregation of prostitutes?

(3) Has any municipal board made a bye-law for their segregation?

The Hon'ble Rai Rajeshwar Bali : (1) No.

(2) The suggestion will be brought to the notice of municipalities.

(3) Yes.

* 110. **Dr. Shafa'at Ahmad Khan :** Do the Government consider it desirable to bring in a Bill for the prevention of venereal and other contagious diseases that follow in the wake of the prostitutes?

The Hon'ble Rai Rajeshwar Bali : The answer is in the negative.

SALE OF WOMEN.

***111. Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to depute a special police-officer to inquire into the sale and purchase of women that goes on in some parts of these provinces and the Punjab?

(2) Will the Government be pleased to organize an active campaign against this traffic in co-operation with the Punjab Government?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) The whole question was thoroughly investigated in 1914 by an officer of the Criminal Investigation department and the Criminal Investigation department continue to keep in touch with the traffic. Government therefore see no necessity for a further special inquiry of the nature suggested.

(2) The traffic as commonly practised is nothing more than a form of matrimonial agency and as such it is not necessarily illegal, though it may end itself to abuses. A general campaign against it would not therefore be possible even if it were desirable. The police already have instructions to take immediate action on any complaint of kidnapping or abduction made by a party aggrieved and surveillance is exercised over matrimonial agents of suspicious character. Government are not of opinion that anything more is required.

Mr. Mukandi Lal : Are there any regular matrimonial agencies that the Government is aware of?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : So far as I know, none.

FOLLOWERS OF SULTANA, THE BHANTU.

***112. Dr. Shafa'at Ahmad Khan :** (1) Are there any followers of Sultana, the Bhanu, who was hanged, still free?

(2) Is it a fact that they visit the Bhanu settlements at Najibabad and Moradabad at night? If so, what measures have been adopted for their arrest?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) So far as is known only two followers of the Sultana Bhanu are still at large.

(2) It is unlikely that these two remaining members of Sultana's gang visit the settlement at either Najibabad or Moradabad, as arrangements have been made for months past for their arrest at both these places. Every endeavour is being made to arrest these two remaining members of the gang but for obvious reasons it is inadvisable to publish details.

REGISTRAR OF MARRIAGES AND DIVORCES FOR MUSLIMS.

***113. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if there is any person with recognized status who keeps a register of marriage solemnized according to Muslim law?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government have no information.

Hafiz Hidayat Husain : Do the qazis appointed under the Qazis Act maintain any registers?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : They may keep registers if they are interested, but it is not necessary.

***114. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to appoint a committee consisting of Muslim members of the Council, and representatives of Muslim associations, to suggest ways and means for the registration of marriages and divorces according to Muslim law ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Government are not prepared to give any undertaking. The matter is one for the community concerned and would involve legislation.

TAXATION COMMITTEE.

***115. Dr. Shafa'at Ahmad Khan :** Did the Government receive any communication from the Government of India with regard to the proposed Taxation Committee ?

The Hon'ble Mr. S. P. O'Donnell : Yes.

***116. Dr. Shafa'at Ahmad Khan :** Has the Government supplied the Government of India with materials for the Taxation Committee ? If so, what is the nature of the materials and with what end were they supplied ?

The Hon'ble Mr. S. P. O'Donnell : The answer to the first part of the question is in the affirmative. The nature of communications between the Government of India and Provincial Governments cannot be disclosed. The materials were supplied for the consideration of the committee.

GRANT-IN-AID TO CERTAIN INSTITUTIONS AT NAINI TAL.

***117. Mr. Ashiq Husain Mirza :** (1) Will the Government be pleased to state what grant-in-aid is being paid annually to—

(a) St. Joseph's College, Naini Tal ?

(b) St. Mary's Convent, Naini Tal ?

(2) Has any recurring or non-recurring grant been made to any of the above institutions in previous year ? If so, what amounts ?

(3) Are these institutions bound under the rules to admit a certain number of Indian students ? If so, will the Government be pleased to give the number of Indian students at present in these two institutions ?

The Hon'ble Mr. S. P. O'Donnell : 1 (a) Rupees 15,845.

(b) Rupees 9,880.

(2) Yes. Recurring grants as stated in the answer to (1). Non-recurring grants as follows :—

				Rs.
St. Joseph's College	...	...	...	12,855
St. Mary's Convent	...	...	...	9,232

(3) The answer to the first part of the question is in the negative ; the second part does not arise.

Aman Sabha, KHERI.

***118. Babu Sita Ram :** Is it a fact that in the Kheri district subscriptions for *Aman Sabha* are being collected through the instrumentality of the village patwaris ?

If so, in what capacity are the patwaris acting in doing this work ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It has been ascertained that some patwaris have in the past undertaken these

duties as members of the *Aman Sabha*, but instructions have now been issued that they should have nothing to do with it in future.

Babu Sita Ram : Did they collect subscriptions this year?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes, before the issue of the orders.

Babu Sita Ram : When were the orders issued?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Very lately.

POSTPONEMENT OF EJECTMENT SUITS.

* 119. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to state if it is a fact that the Board of Revenue requested the Hon'ble Judges of the High Court of Allahabad to recommend to the subordinate courts the postponement of all cases for the ejectment of tenants under the N.-W. P. Tenancy Act, 1902?

(2) If so, will the Government be pleased to state on what authority the Board of Revenue made such a request to the High Court, Allahabad?

(3) Will the Government be pleased to state the action, if any, taken by the High Court on this request?

The Hon'ble Mr. S. P. O'Donnell : The Government informed the High Court of the instructions issued by the Board of Revenue and suggested that, if the High Court took the same view, similar instructions might be issued to subordinate civil courts. The High Court, however, were not prepared to do so.

Nawab Muhammad Yusuf : In view of the opinion of the High Court, is the Government prepared to withdraw the instructions issued?

The Hon'ble Mr. S. P. O'Donnell : The answer is in the negative.

* 120. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the number of cases of ejectments of tenants that have been postponed by the lower courts in accordance with the circular letter of the Board of Revenue?

The Hon'ble Mr. S. P. O'Donnell : It is presumed the reference is to the circular letter of the Board of Revenue No. 6 Judicial-320B., dated the 17th October, 1924. The number of cases is not known, and the figures will not be available for some time.

PUBLICATION OF A YEAR BOOK.

* 121. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to publish a year book of the United Provinces on the lines of the Madras year book published by the Madras Government?

The Hon'ble Mr. S. P. O'Donnell : This Government is not in a position at present to publish a year book on these lines.

MEDICAL SCHOOL AT BAREILLY.

* 122. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have decided to establish a medical school at Bareilly? If not, why has the scheme been shelved?

The Hon'ble Rai Rajeshwar Bali : It was at one time intended to establish a second medical school and Bareilly was selected for that purpose. The proposal was shelved for want of funds.

AFFILIATION OF THOMASON COLLEGE, ROORKEE.

* 123. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state if they have decided not to affiliate Thomason College, Roorkee, to any University?

The Hon'ble Rai Rajeshwar Bali : Pending consideration of the report of the Agra University Committee, Government have come to no decision in the matter.

RURAL SANITATION.

* 124. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to inform the Council if they have matured any scheme of sanitation for rural areas?

The Hon'ble Rai Rajeshwar Bali : The answer is in the affirmative.

MEETINGS OF THE UNITED PROVINCES LEGISLATIVE COUNCIL.

* 125. **Lala Mathura Prasad Mehrotra :** (a) Is it a fact that Sir Ludovic Porter, the late Finance Member, promised to this House that the Council will usually meet for 100 days in every year?

(b) If so, does the Government propose to act accordingly in future?

The Hon'ble Mr. S. P. O'Donnell : (a) No such promise has been traced.

(b) Does not arise.

Lala Mathura Prasad Mehrotra : Will the Government be pleased to call more meetings in future in order to remove the grievance of the non-official members?

The Hon'ble Mr. S. P. O'Donnell : There is a resolution on the subject which is to be debated today and therefore I am not prepared to make a statement now.

Babu Sangam Lal : Will the Government allot more days for the transaction of non-official business?

The Hon'ble Mr. S. P. O'Donnell : The question of the allotment of days is a matter which rests entirely with His Excellency the Governor, and not with the Government.

Babu Sangam Lal : Will the Government advise His Excellency the Governor to allot more days for non-official business?

The Hon'ble Mr. S. P. O'Donnell : The Government can hardly do so, The Government consists of the Governor in Council or the Governor acting with his Ministers.

Babu Sangam Lal : Is it a fact that the Government accepted a resolution on this subject moved by Pandit Gokaran Nath Misra on 1st of April, 1923?

The Hon'ble Mr. S. P. O'Donnell : Very likely. I do not remember the date.

Babu Sangam Lal : Why has the Government not given effect to it so far ?

The Hon'ble Mr. S. P. O'Donnell : Will the honourable member await the result of the debate on the subject, which is down on the agenda for to-day ?

TOWN AREA, JAILPUR.

*127. **Thakur Har Prasad Singh :** Has it been brought to the notice of the Government that the people of Jailpur do not want their village to be a town area ?

The Hon'ble Rai Rajeshwar Bali : Some of the inhabitants desire that the Town Areas Act should be withdrawn.

*128. **Thakur Har Prasad Singh :** If the answer to the preceding question is in the affirmative, will the Government be pleased to abolish the town area of the Jailpur village immediately ?

The Hon'ble Rai Rajeshwar Bali : The suggestion is being examined by local authorities.

DASEHRA PROCESSION AND THE DISTRICT MAGISTRATE, MUZAFFARNAGAR.

*129. **Babu Sangam Lal :** Will the Government be pleased to state why Mr. Darling ordered the *Dasehra* procession to be taken half an hour before or after prayer time ?

*130. Will the Government be pleased to state whether any citizens of Muzaffarnagar have made representations to the Commissioner and to the Government regarding this order of Mr. Darling? If so, what action have the Government taken upon them ?

*131. Will the Government be pleased to state the names of gentlemen who were enrolled as "special constables" by Mr. Darling.

*132. Will the Government be pleased to state whether leading *raïses* and prominent citizens of Muzaffarnagar were summoned by Mr. Darling and they had to stand in the sun on the public road for about two hours surrounded by the district officials and their staff ?

*133. Will the Government be pleased to state why special constables were enrolled at Muzaffarnagar ?

*134. Has the attention of the Government been drawn to the incident of the Collector of Muzaffarnagar ?

*135. Will the Government be pleased to make an independent inquiry upon the memorial of the elite of the city at an early date ?

*136. **Thakur Manjit Singh Rathor :** Has it come to the knowledge of the Government that the action of Mr. G. K. Darling, Collector, Muzaffarnagar, in putting restrictions on the *Ramlila* procession in the first week of October has created general disaffection in the district ?

*137. Is the Government aware that the said Mr. G. K. Darling, Collector, behaved in a very unbecoming manner to a number of leading citizens of the district on October 7th ?

*138. Is it a fact that he enrolled in a discourteous manner over a dozen special constables from among the gentry ?

*139. What are the names of the gentlemen so enrolled and what is their position in society ?

*140. Did he consult the local M. L. C. before issuing orders for the enrolment of special constables ?

*141. Is it a fact that one gentleman (Mr. Sumat Prasad, Vakil, Chairman, Municipal Board) refused to be enrolled and that the legal proceedings were instituted against him ?

*142. (a) What was the result of the legal action ?

(b) If the case was withdrawn, why ?

The Hon'ble Mr. S. P. O'Donnell : There are a number of questions on the subject of the action taken by the District Magistrate of Muzaffarnagar in connection with the last *Ramlila* processions. With the Hon'ble President's permission, I propose to answer these questions together. The Governor in Council, after considering various representations and making due inquiry, finds that the Magistrate's action in asking for a programme and in forbidding music in front of the two mosques situated on the proposed processional route was justified by the previous events of 30th September, by the refusal of the managers to furnish a time-table, and by the state of feeling in Muzaffarnagar. The situation was such that the District Magistrate would have failed in his duty if he had not taken measures to preserve the peace, and in this object he was successful. The Governor in Council, however, considers that the District Magistrate, even though he regarded additional police-officers as necessary would have acted more wisely had he refrained from enrolling a number of prominent gentlemen as special constables, and disapproves of the manner in which he made the enrolment. In these respects the Governor in Council does not consider that the Magistrate's action was justified and has already conveyed this opinion to him. The Government have received an assurance that the Magistrate's action in enrolling these gentlemen as special constables was not prompted by a desire to cause humiliation or to inflict punishment, and this assurance the Government accept.

Rai Bahadur Lala Sita Ram : Does the Government approve of all the methods adopted by the District Magistrate to keep the peace ?

The Hon'ble Mr. S. P. O'Donnell : That hardly arises.

Rai Bahadur Lala Sita Ram : It arises in this way : The District Magistrate took certain measures with the object of preserving peace, and the Government says that he was successful in that object. Now the question is : Does the Government subscribe to the proposition that the District Magistrate is entitled to have resort to all sorts of methods that seem to him to be suitable with a view to maintaining the peace ?

The Hon'ble Mr. S. P. O'Donnell : The question is a general one and admits of no answer.

Mr. Mukandi Lal : Has the Government passed on the explanation of the District Magistrate of Muzaffarnagar to the aggrieved persons ?

The Hon'ble Mr. S. P. O'Donnell : No.

Hafiz Hidayat Husain : Will the Government kindly define the status of persons who can be enrolled as special constables?

The Hon'ble Mr. S. P. O'Donnell : There are no special instructions regarding enrolment.

Pandit Brijnandan Prasad Misra : Were any arms distributed to the police for the preservation of peace on that day?

The Hon'ble Mr. S. P. O'Donnell : No. I do not think so.

Rai Jagdish Prasad Sahib : May I know the answers to questions Nos. 141 and 142?

The Hon'ble Mr. S. P. O'Donnell : The answer to question No. 141 is:—

“Proceedings were instituted against Babu Sumat Prasad, but were withdrawn on account of a technical flaw.”

Question No. 142 does not arise.

Pandit Brijnandan Prasad Misra : What was that technical flaw?

The Hon'ble Mr. S. P. O'Donnell : I do not know.

Pandit Brijnandan Prasad Misra : Will the Government make an inquiry?

The Hon'ble Mr. S. P. O'Donnell : I do not think it will serve any purpose to do so, since the case has been withdrawn.

UNSTARRED QUESTIONS.

NUMBER OF STUDENTS AFTERWARDS OBTAINING EMPLOYMENT.

1. **Pandit Yajna Narayan Upadhyaya :** Will the Government be pleased to state the number of students—

- (i) who obtained Government employment after completing their course of studies ;
- (ii) who obtained employment in private institutions ; and
- (iii) who are still out of employment ?

Kunwar Jagdish Prasad : Government are unable to supply the information as it is not understood what students are referred to.

TRAIN TIMINGS AT SHAHGANJ.

2. **Pandit Baijnath Misra :** Is the Government aware that the passengers travelling up from Jaunpur side on the Oudh and Rohilkhand Railway to stations between Shahganj and Mau on the Bengal and North-Western Railway are generally put to great inconvenience on account of the misconnections of the Oudh and Rohilkhand Railway and the Bengal and North-Western Railway trains at Shahganj?

Mr. A. C. Verrières : No.

3. **Pandit Baijnath Misra :** Will the Government be pleased to suggest to the authorities of the two railways to make the slight alteration necessary in the time-tables in order to remove the great inconvenience otherwise caused to the public.

Mr. A. C. Verrières : It has been ascertained that the only passenger train on the Oudh and Rohilkhand Railway which does not connect with a train on the Bengal and North-Western Railway is the third class parcels express. It is not possible to arrange for an earlier arrival at Shahganj station as the timings of this train are controlled by the connection necessary with the East Indian Railway Up Parcels Express at Moghal Sarai station.

COUNCIL ELECTIONS.

11. Lala Mathura Prasad Mehrotra : Will the Government be pleased to state the total amount of the expenses of the last Council elections (a) as incurred by the Government, (b) as filed by the candidates and their agents ?

Mr. J. R. W. Bennett : The honourable member is referred to the answer given to unstarred question No. 36 of the 6th March, 1924.

JUNIOR ASSISTANT REGISTRARS, CO-OPERATIVE SOCIETIES.

13. Rai Amba Prasad Sahib : Will the Government be pleased to state whether the existing staff of Junior Assistant Registrars, Co-operative Societies, is adequate for supervision work ?

If it is not, will the Government be pleased to take steps to strengthen the staff suitably ?

Kunwar Jagdish Prasad : The matter is under consideration.

14. Rai Amba Prasad Sahib : Will the Government be pleased to state whether it has any objection to the recruitment of assistant registrars from amongst the junior assistant registrars ?

Kunwar Jagdish Prasad : While assistant registrars are ordinarily recruited from the Provincial Civil Service, Government are prepared to consider the recommendation by the registrar of any junior assistant registrar whose work is of outstanding merit and who is believed to be completely competent to discharge the duties of the post.

ZAMINDARS IN GOVERNMENT SERVICE.

15. Rai Amba Prasad Sahib : Will the Government be pleased to state whether any consideration is given to the zamindar class of these provinces while making appointments in the Government service ?

(a) If the answer to the above be in the affirmative, will the Government be pleased to lay a statement on the table showing the number of persons belonging to the zamindar class who have been appointed as naib-tahsildars and deputy collectors during the last three years ?

(b) If it is not so, will the Government be pleased to issue instructions that the claims of the zamindar class be suitably recognized in the appointments in the Government service, and, if possible, to fix a certain percentage, as the Government may think proper, for recruitment from the zamindar class ?

Mr. G. B. Lambert : The zamindar class is always well-represented amongst the selections for Government appointments. As the honourable member is aware, there has been a competitive examination for deputy

collectorships since 1922. Of 30 direct appointments made in the years 1921 to 1923, at least 13 went to families of taluqdars and zamindars. Since the competitive examination was instituted, at least three of the five direct appointments have gone to sons of landholders. No details are available in regard to naib-tahsildars, but there is no reason to suppose that the zamindar class is not equally well represented there.

STAFF OF MEDICAL SCHOOL, AGRA.

16. **Rai Amba Prasad Sahib** : Will the Government be pleased to pass orders that appointments to the teaching staff of the Medical School, Agra, should invariably be made from experienced assistant surgeons of at least 15 years' service in the Medical department?

Mr. G. B. F. Muir : The Government do not consider it wise to limit the field of selection in the manner suggested. A gift for teaching is more important than length of service, further, in most cases, it is essential that the incumbent should have given recent study to the subject which he teaches. The Government's policy is to select the best men available, length of service being only one of several factors for consideration.

HONORARY AND SPECIAL MAGISTRATES.

17. **Khan Bahadur Maulvi Fasih-ud-din** : Will the Government be pleased to state the number of honorary and special magistrates in the province who are between 60 and 70 years of age, and those who are older?

Mr. J. B. W. Bennett : Such magistrates are believed to be few. Age is scrutinized before appointments or re-appointments are sanctioned, and gentlemen of advanced years would not be appointed, or re-appointed unless certified by the local authorities to be capable of discharging the duties of a magistrate.

SUPERINTENDENTS OF POLICE.

18. **Khan Bahadur Maulvi Fasih-ud-din** : What is the existing proportion of Indians by direct recruitment and by promotion respectively holding posts of superintendent of police?

Mr. G. B. Lambert : There are five Indians promoted from the provincial service holding the post of superintendent of police. The directly recruited Indians are all at present assistant superintendents.

19. **Khan Bahadur Maulvi Fasih-ud-din** : What is the actual existing proportion of Indians to Europeans in the grade of superintendent of police, specifying Hindus and Muslims?

Mr. G. B. Lambert : There are 57 posts of superintendent of police, five being held by Indians and 52 by Europeans. Of the five Indians, three are Hindus and two Muslims.

REDUCTION IN THE CLERICAL STAFF OF SUPERINTENDENTS OF POLICE.

20. **Khan Bahadur Maulvi Fasih-ud-din** : Will the Government be pleased to state how many statistical clerks and despatchers in the offices of the District Superintendent of Police have been brought under reduction in connection with the retrenchment scheme?

21. Have all the incumbents thus reduced been provided for elsewhere on equal pay or granted adequate pension? Is it a fact that a

statistical clerk of Gorakhpur getting Rs. 60 with 27 years' service was dismissed on the ground that he refused to accept a post of Rs. 40?

Mr. G. B. Lambert : The honourable member is referred to answers given to starred questions 6 and 9 of the 17th December, 1924. It is not a fact that any statistical clerk has been dismissed for refusing to accept a post offered to him.

CO-OPERATIVE SOCIETIES IN BUDAUN.

22. Khan Bahadur Maulvi Fasih-ud-din : Is it a fact that all the Co-operative Societies in Budaun are under liquidation? If so, why?

Kunwar Jagdish Prasad : No. Societies under the Central Co-operative Bank, Islamnagar, are still working. Other societies were liquidated owing to the heavy irrecoverable arrears outstanding against members.

23. Khan Bahadur Maulvi Fasih-ud-din : Is it a fact that the office of the district co-operative bank was burnt down in Budaun some time ago? If so, what steps were taken to ensure a correct preparation of the statements of demand and balances?

Kunwar Jagdish Prasad : No.

APPOINTMENT OF A FOURTH SUBORDINATE JUDGE IN THE SELECTION GRADE.

24. Khan Bahadur Maulvi Fasih-ud-din : Will the Government be pleased to state—

- (a) when it is going to appoint a fourth Subordinate Judge to the selection grade in the Agra province;
- (b) how many Subordinate Judges in the Agra province have been appointed to the selection grade since its creation in 1919, giving their names?

Mr. G. B. Lambert : (a) The fourth post in the selection grade of the Subordinate Judges in the Province of Agra was filled on the 1st April, 1924.

(b) The list is laid on the table.

List of Subordinate Judges of the Agra province who have been appointed to the selection grade since its creation in 1919, referred to in the answer to unstarred question No. 24 for the 18th December, 1924.

Name.	Date of appointment.	Remarks.
1. Rai Bahadur Babu Lal Gopal Mukharji.	1st December, 1919 ..	
2. Rai Bahadur Babu Gopal Das Mukharji.	Ditto ..	
3. Babu Partab Singh ..	Ditto ..	
4. Babu Baij Nath Das ..	10th June, 1921 ..	Appointed vice Rai Bahadur Babu Lal Gopal Mukharji, confirmed as District and Sessions Judge.

Names.	Date of appointment.	Remarks.
5. Babu Jotindra Mohan Basu	16th July, 1922 ..	Appointed vice Rai Bahadur Babu Gopal Das Mukharji, confirmed as District and Sessions Judge.
6. Babu Kshirod Gopal Banerji	5th June, 1923 ..	Appointed vice Babu Partab Singh, confirmed as District and Sessions Judge.
7. Pandit Hari Har Lal Bhargava.	1st July, 1923 ..	Appointed vice Babu Baij Nath Das, confirmed as District and Sessions Judge.
8. Babu Ram Chandra Saksena	1st January, 1924 ..	Appointed vice Babu Jotindra Mohan Basu, confirmed as Sessions and Subordinate Judge.
9. Babu Kameshar Nath ..	1st April, 1924 ..	Due to the increase of one post in the selection grade of Subordinate Judges in the Agra province.
10. Chaudhri Saiyid Abdul Hasan	16th October, 1924 ..	Appointed vice Babu Kshirod Gopal Banerji, confirmed as Sessions and Subordinate Judge.
11. Babu Raghunath Prasad ..	5th December, 1924 ..	Appointed vice Pandit Hari Har Lal Bhargava, confirmed as Sessions and Subordinate Judge, vice Babu Kshirod Gopal Banerji, confirmed as District and Sessions Judge.

ADDRESSES BY LOCAL BODIES.

25. **Rai Jagdish Prasad Sahib** : With reference to the answer given to my starred question No. 204(a) at the Council meeting of the 6th September, 1924, will the Government be pleased to refer to the answer given on the 4th April, 1924, to starred question No. 67 of the 28th February, 1924, and to inform the Council of the terms in which the order to local bodies relating to the presentation of addresses has been modified ?

Mr. G. B. F. Muir : As already stated, no order was issued to local bodies.

MOTOR VEHICLE TAX.

26. **Rai Jagdish Prasad Sahib** : In view of the fact that heavy motor vehicles that ply for hire in different part of the province are largely responsible for recurring damage to pucca roads, will the Government be pleased to consider the advisability of empowering district boards to levy a suitable tax on hired motor vehicles ?

Mr. G. B. F. Muir : The suggestion is being examined.

**TEACHING OF AYURVEDIC AND UNANI SYSTEMS OF MEDICINE IN
MEDICAL COLLEGE, LUCKNOW.**

28. Rai Jagdish Prasad Sahib : (a) Is it a fact that when subscriptions were raised for the King George's Medical College, Lucknow, it was promised that provision would also be made for teaching the Ayurvedic and Unani systems of medicine ?

(b) If so, has any such provision been made yet ?

(c) If the answer to (b) be in the negative, and if it be difficult for the present to teach these systems, will the Government be pleased to recommend to the Lucknow University to make such provision on its Oriental side ?

Kunwar Jagdish Prasad : (a) No such undertaking was given by Government—

(b) Does not arise.

(c) Does not arise.

LICENSEES OF FIREARMS IN SHAHJAHANPUR.

29. Thakur Sadho Singh : Will the Government be pleased to give a list of non-official licensees of firearms in Shahjahanpur, Tilhar and Jalalabad towns, stating names, description of arms, amount of revenue or tax paid, and services or other qualifications entitling them ?

Mr. G. B. Lambert : A statement is placed below, showing the number and description of arms held by non-official licensees in Shahjahanpur, Tilhar and Jalalabad towns. The further particulars asked for are not of general interest and cannot be ascertained without unjustifiable expenditure of public time and money.

Statement.

Town.	No. of licensees.	Revolvers.	Pistols.	Rifles.	B. L. guns.	M. L. guns.
Shahjahanpur ..	390	37	10	36	197	110
Tilhar ..	53	4	5	1	27	16
Jalalabad ..	46	8	..	..	19	19

POLICE SERGEANTS AND RESERVE INSPECTORS.

30. Babu Bhagwati Sahai Bedar : Will the Government be pleased to lay on the table the rules and regulations regarding the recruitment of the police sergeants and reserve inspectors of police ?

Mr. G. B. Lambert : The existing rules are contained in paragraphs 326 and 327, Police Regulations. Further rules are now being framed to provide for the promotion of sub-inspectors to the rank of reserve inspector.

GOPA-ASHTMI PROCESSION, JHANSI.

34. Pandit Bhagwat Narayan Bhargava : Is it a fact that Mr. Masud-uz-Zaman, M.L.C., with the Chairman, Municipal Board, Jhansi, visited the Hindus and Muhammadans of Garhia Phatak to settle their differences in the month of September ?

Mr. G. B. Lambert : Yes. No settlement was effected.

35. Pandit Bhagwat Narayan Bhargava : Is it fact that the police allowed all Hindu processions with music in the month of October, 1924 in front of the mosque at Garhia Phatak without any objection?

Mr. G. B. Lambert : The District Magistrate reports that the police allowed it, but that the Muhammadans objected.

36. Pandit Bhagwat Narayan Bhargava : (1) Is it a fact that the superintendent of police early in November wanted the secretary of *gaushala* to take out a licence for a particular route for *Gopa-ashtmi* for procession?

(2) Did the superintendent of police ask the secretary to take the procession from behind the mosque?

(3) Did he refuse to give permission to the procession to pass in front of the mosque as usual?

Mr. G. B. Lambert : (1) Yes; under section 30 of the Police Act.

(2) Yes. The route and time were fixed in the order passed on the application under (1).

(3) There is no established custom that this procession passes in front of the mosque. The route behind the mosque gave less offence to the Muhammadans. The only order passed was that referred to under (2).

37. Pandit Bhagwat Narayan Bhargava : Will the Government be pleased to state the reason for the said action?

Mr. J. R. W. Bennett : Both in 1923 and 1924 riots were only averted by the presence of a strong force of police. On each occasion the danger arose in front of the mosque. For this reason special precautions had to be taken on the occasion referred to by the honourable member.

CASE AGAINST GENDA LAL.

38. Pandit Bhagwat Narayan Bhargava : Has the attention of the Government been drawn to the judgment of Mr. Justice Mukerji in a case under section 109, Criminal Procedure Code, against one Genda Lal, a homœopathic medical practitioner?

Mr. G. B. Lambert : Government have seen a reference to the case in the Press.

39. Pandit Bhagwat Narayan Bhargava : Is the Government aware that His Lordship regarded the challan as a travesty of justice and the conviction as painful?

If so, what action does the Government propose to take against the officers who challaned and who convicted the man?

Mr. J. R. W. Bennett : Government are aware that Mr. Justice Mukerji considered the order wholly untenable. Government do not propose to take any further action in the matter.

KANDHLA RIOT CASE.

40. Rai Bahadur Lala Sita Ram : (1) Is it a fact that in the Kandhla riot case in district Mazaffarnagar 39 Muhammadans were sent up for trial under section 148, Indian Penal Code, and section 326, Indian Penal Code, read with section 149, Indian Penal Code?

(2) Is it true that on 24th September, 1924, S. Ain-ud-din Sahib, Deputy Collector, delivered judgment in the case convicting ten accused?

(3) Is it true that the said deputy collector acquitted the rest of the accused?

(4) Does the Government intend filing an appeal against the said order, and, if not, why not?

(5) When has the trying Magistrate proceeded on leave, and on what grounds?

Mr. G. B. Lambert : (1) Yes.

(2) Yes. The date of the judgment has not been reported to Government.

(3) Yes.

(4) This point has not yet been decided.

(5) On medical certificate with effect from the 18th October, 1924.

41. Rai Bahadur Lala Sita Ram : (1) Is Government aware that S. Ain-ud-din Sahib, who tried the Kandhla riot case in Muzaffarnagar, has severely criticized the Sub-Inspector Abdul Majid Khan and the Circle Inspector Muhammad Yusuf Khan for their conduct during the inquiry? Is it a fact that these two officers were relieved of their duties of inquiring into this case?

(2) Is the circle inspector the same man who was also engaged as one of the investigating officers in the Katarpur riot case?

(3) Is he the same man who was recently suspended in connection with the investigation of the Husainpur murder case in Muzaffarnagar and about whom the additional judge who tried the said case observed in his judgment that he had blocked investigation?

(4) What action has Government taken as to these two police-officers? Does Government contemplate taking any action now?

Mr. G. B. Lambert : The case which is at present *sub judice* is receiving the attention of Government.

EJECTMENT SUITS.

42. Rai Bahadur Lala Sita Ram : Will Government be pleased to lay on the table a copy of the instructions issued by the Board of Revenue or Government as regards the disposal of ejectment cases pending before courts in 1924?

Mr. C. E. D. Peters : A reply will be given in reply to starred question No. 96 for the 19th December, 1924.

EXEMPTION FROM PAYMENT OF TAXES LEVIED BY DISTRICT BOARDS.

43. Rai Bahadur Lala Sita Ram : Is it a fact that the residents of municipal towns are exempt from such taxes as the district board may levy?

Mr. G. B. F. Muir : Districts boards have power to impose two taxes only: (a) a local rate, (b) a tax on circumstances and property. The locality of a persons' residence does not affect his liability to pay the local rate. A resident of a municipality will not be liable to a tax on circumstances and property unless he ordinarily carries on business in the rural area.

44. Rai Bahadur Lala Sita Ram : Is it true that the residents of notified areas are not so exempt?

Mr. G. B. F. Muir : The only difference in the position of a resident of a municipality and of a resident of a notified area is that the latter is liable to the tax on circumstances and property even if he carries on no business outside the notified area, while the former is not liable if he carries on no business outside the municipality.

45. Rai Bahadur Lala Sita Ram : Will the Government be pleased to make the position clear as to the reasons in differential treatment between the two ?

Mr. G. B. F. Muir : The difference explained in the answer to the foregoing questions results from the inclusions of notified areas in the rural area under sub-section (10) of section 3 of the District Boards Act. At the time when the Act was passed it was contemplated that district boards would perform services for residents of notified areas which they either do not perform for residents of municipalities or perform with the aid of a municipal contribution.

EXEMPTION UNDER ARMS ACT RULES.

46. Rai Bahadur Lala Sita Ram : (1) Is it a fact that in joint Hindu families paying more than Rs. 10,000 land revenue, only the manager is exempt under the Arms Act Rules ?

(2) Is it a fact that individual co-parceners owning property each assessed to a land revenue of Rs. 10,000 do not enjoy any privilege as such under the Arms Act Rules ? Will Government be pleased to redress this grievance of theirs ?

Mr. G. B. Lambert : (1) The answer is in the affirmative.

(2) A co-sharer who possesses a definite share assessed to land revenue of Rs. 10,000 is entitled to exemption, if he possesses the other qualification given in the rules. This does not apply to members of a Hindu joint family whose shares have not been separated.

TAHVILDARS IN TREASURIES.

47. Rai Bahadur Lala Sita Ram : Is it a fact that tahvildars in asuries are transferred, as a matter of rule, every second year from one tahsil to another ?

Mr. E. A. H. Blunt : Yes, under rule 31 of Board's Circular 40-IX.

48. Rai Bahadur Lala Sita Ram : Is it true that the treasurer is responsible for the work of the tahvildars ? If so, will Government be pleased to transfer them ordinarily every fifth year or abolish the rule ?

Mr. E. A. H. Blunt : The answer to the first part of the question is in the affirmative. The rule mentioned seems antiquated and Government will consider whether it cannot now be abolished.

RESOLUTION *RE* GRANT TO THE HINDU UNIVERSITY AT BENARES.

The Hon'ble the President : In connection with this resolution the question arose as to the propriety of the admissibility of a resolution in this form which makes a recommendation to the Government to allot certain definite sums for certain purposes in the budget. Honourable members

are aware that in the Rules there is a distinct prohibition against moving a motion for appropriation except on the recommendation of the Governor. The rule in question runs:—

“No motion for appropriation can be made except on the recommendation of the Governor communicated to the Council.” The question for me to decide was what is exactly the meaning of the words “motion for appropriation.” As honourable members will see, this rule is introduced under the heading “motions at this stage,” that is to say motions at that stage of the budget. After some hesitation and consideration it appeared to me that that rule referred only to motions made at the time of the budget. Though I had, and even still have, some hesitation, the conclusion which I have come to is that a resolution does not stand on the same footing as a motion at a stage of the budget. A motion on the budget, if carried, is binding and operative. The recommendation in a resolution remains a recommendation. I consider that 80 per cent. of resolutions of importance propose or involve the expenditure of money. It seems to me very difficult to draw the line between one resolution which names a certain sum and another which recommends generally that money is to be provided. If, for instance, there is a proposal to establish a University at Cawnpore or at Agra and if that recommendation is carried it involves undoubtedly the expenditure of money. How far would it be admissible to move that provision should be made, that money should be set aside for the purpose of establishing a university, or to move that 3 lakhs, 10 lakhs, 100 lakhs should be put aside? There seems to be no distinction in principle between these. Is the proposal that 10 lakhs should be put aside inadmissible, but the general proposal that money be provided would be admissible? The rule against proposals for appropriation is derived from section 72D (2) of the Government of India Act which deals specially with the budget. Similarly for legislation, definite restrictions are contained in the Act. See section 80A, where it is laid down:—

“The local legislature of any province may not, without the previous sanction of the Governor General, make or take into consideration any law imposing or authorizing the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under this Act,” and again section 80C dealing with measures affecting the public revenues generally. So we have in the rules and Act special restrictions laid down for motions on the budget and for legislation but no similar ones for resolutions; it has been left open to the Council to make recommendations because a recommendation will only be a recommendation and is not binding. I admit such recommendations dealing with specific sums of money might be awkward to the Ministers, and it would I think be better if such resolutions were put in the form that substantial help be given without naming any sum at all. But I did not feel that it was within my power to disallow the resolution as it stood. The honourable mover himself was I believe in some doubt as to the admissibility of it. These were my reasons for admitting it; but I think that it would be better if the form were that substantial help be given or some suitable aid be given for the purpose named in the resolution.

Rai Bahadur Lala Sita Ram : I beg to move—

That this Council recommends to the Government to make a provision in the budget for 1925-26 of Rs. 1,20,000 as a grant-in-aid to the Hindu University of Benares for the following purposes:—

(1) ~~Rs. 50,000~~ for Arts and Science sides;

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- (2) Rupees 10,000 for Sanskrit studies;
- (3) Rupees 50,000 for Engineering courses ;
and
- (4) Rupees 10,000 for Ayurvedic studies.

Before I say anything on the merits of the resolution itself I should like to say a few words in connection with what has just fallen from the Presidential chair. It was on the 4th April, 1924, on the very last day of the last session of the Council that in connection with an amendment to a resolution moved by my honourable friend Khan Bahadur Maulvi Fasih-ud-din an objection was raised by me to a resolution of this nature, and I personally thought that a resolution asking the Government to make provision in the budget for a certain sum, specified or unspecified, would not be in accordance with the present Standing Orders. It was then, Sir, that you were pleased to give a ruling saying that it was within the competence of the non-official members of this Council to bring forward a resolution of that nature. I thought then that as it was the fag end of the session, the ruling may have been given perhaps on the spur of the moment. But yesterday I took leave to discuss the matter with you and you were exactly of the same opinion as you have authoritatively announced today from the Presidential chair for which the non-official members of this House would be very much obliged, because it gives them an opportunity of bringing forward to the notice of the Council institutions in which they are interested either individually or collectively. Sir, it does not lie in my mouth to amend my own resolution in the light of what has fallen from you. I leave it to some other member of the House, if he chooses, to make an amendment omitting the specific sum mentioned in it and substituting the words which you have been so kind as to suggest.

Now, Sir, coming to the resolution itself, I do not think there will be much difficulty in convincing the House as to the necessity of adopting this resolution at all. The Hindu University is the first residential university established in this province by an Act of the Imperial Legislative Council. It was in the pre-Reform days when the power to establish a University was not perhaps given to a Provincial Legislative Council, that the Imperial Legislative Council established this University of a residential type for the first time in India. I am glad to note that the Muhammadans also have established another University at Aligarh and it has been established under an All-India Act too, but Sir, the Benares University was the first in the field, and as everybody knows it arose out of the nucleus of the Central Hindu College, which owes its inception and its development to the self-sacrifice, to the self-abnegation and to the devotion and energy of Mrs. Besant and our friends of the Theosophical Society. Everybody knows with what wonderful ability and remarkable energy which we have learnt to associate with her name, Mrs. Besant reared this institution with her very lifeblood and asked not for a single shell from Government but depended upon her own exertions and the munificence of the public. Then the Hindu College was raised to the present Hindu University standard. What do we find in the Hindu University? About eleven hundred students are residing in the hostels. They have got an Arts side, they have got a Science side, and they have got an Engineering College which has been visited by various officers of the Government and which has elicited from them nothing but admiration. They are thinking now

Rai Bahadur Lala Sita Ram.]

of establishing a women's college. They have got a vast acreage of land—about 1,300 acres; they have spent about 45 lakhs of rupees on buildings alone. Still, what has the United Provinces Government contributed to its funds? So far as I know it was only Rs. 80,000, I speak subject to correction, when Sir Sundar Lal was responsible for the affairs of the University that the Local Government gave from its finances to the Hindu University. The Government of India is perhaps contributing something. The Local Government has, I know, made some contribution towards the non-recurring expenditure of the University, but so far as the cost on the huge magnificent buildings goes, which owe their construction to the energy of my friend Rai Jwala Prasad Sahib, Superintending Engineer and which anyone will admire at sight, the Local Government has not contributed much, even if they contributed anything at all. So far as I know they have contributed nothing but Rs. 80,000. I understand that about 700 students of the United Provinces are reading in the Hindu University. Of course the University is of an All-India character, but that does not justify the Government in refusing aid to the Hindu University. It was in June 1921 that the Hindu University made an application to the United Provinces Government for aid and they were informed by the then Finance Member through the Education Secretary that a grant of three lakhs will be given to them, but that grant was not made at all and they were informed in January, 1922, that on account of financial stringency that grant could not be paid. Now, Sir, it is all very well to say "financial stringency" when it comes to the question of establishing a medical college or of expenditure on some beneficent object. We are sometimes faced with the remark that there is financial stringency, but we know, I am not saying by way of sarcasm or by way of irony at all, but we know it that whenever Government wants to finance a thing, they generally find money. So if Government had seen their way to give the grant of three lakhs which had been promised to the Hindu University some of their difficulties might have been tided over, but it was not done. What do we find? We find that the Benares Hindu University, does not get anything from the Local Government at all. Take our sister University at Aligarh. I do not grudge—I may say once for all—any grant to that University for educational purposes, but the Aligarh University has already been getting Rs. 60,000 and they have also been getting a lot of money for non-recurring expenditure, but Government has not given much to the Benares Hindu University. I am not mentioning this by way of argument for my proposition. I say it only to show that another university established by an All-India Act is already getting a grant from Provincial Funds. Does it not stand to reason that the Benares University which stands on the same level as the other University should also get something? Give more to the Aligarh University by all means. I do not grudge it, but it does not mean that the Benares Hindu University should be starved. They should both be treated alike. Sir, I do not think I need waste the time of the Council by saying much more than this that here is an institution which has shown by its self-sacrifice, by its exertions, by the munificence of its supporters that it deserves the help of the Government. Government is after all spending about 15 lakhs a year over the Lucknow and Allahabad Universities, why cannot it devote, say, five lakhs a year to the Aligarh and Benares Hindu Universities. I do not grudge any amount of expenditure on primary

education. Primary education is a great necessity, but then when the Government is doing so much for university education and when these two universities are doing a lot for the education of the communities, why should Government not come to their help with their unstinted support?

Hafiz Hidayat Husain : In heartily supporting the resolution put forward by Rai Bahadur Lala Sita Ram I wish to make the amendments in the resolution that stand in my name. They are as follows :—

- (i) *For* “ Rs. 1,20,000 ” *substitute* “ Rs. 2,40,000 ”
- (ii) *After* the words “ Hindu University of Benares ” *add* the words :—
“ and the Muslim University of Aligarh, ” and
- (iii) at the end *add* the following as no. (5) :
“ Rupees 1,20,000 to the Muslim University of Aligarh for the establishment of a Technical College or for such purposes as the University may decide.”

The Hon'ble the President : I have consulted the rules as to the admissibility of this amendment in connection with the Aligarh University as an addition to the resolution regarding the Benares Hindu University and have come to the conclusion that it is not relevant to the main resolution.

Hafiz Hidayat Husain : Very well, Sir, I will confine myself to the main resolution.

As I have said, it is with very great pleasure that I support the resolution of Rai Bahadur Lala Sita Ram. I do so on the ground that the Hindu University of Benares, although it is technically the first residential university, has successfully copied the residential system which was for the first time inaugurated in India at Aligarh, so far back as 1875. It is true that the Muslim University is getting about Rs. 60,000 from the Government every year, while the Benares Hindu University is not getting as much as it should get annually from the Government. Education of course is a concern of the Government and it is to the credit of the Hindu community that they have accumulated very large sums of money for the maintenance and promotion of learning in that university. If a prominent member of the Hindu community comes forward and asks for one lakh and twenty thousand a year to be granted to the university by the Government, I do not think there should be or there could be any objection on the part of any other community to resist that demand. With these few words I whole-heartedly support the resolution and hope that the Government will endeavour to meet the demand.

Rai Bahadur Babu Vikramajit Singh : I give my whole-hearted support to the resolution before the House moved by my honourable friend, Rai Bahadur Lala Sita Ram. I think, Sir, it is very well known that the public, not only of the United Provinces but of the whole of India, gave a unanimous support in founding the Hindu University of Benares. Of course the promoters were undoubtedly from the United Provinces and the name of Pandit Madan Mohan Malaviya will always be associated with this All-India institution. There is no doubt that a very large sum of money has been spent already on putting up buildings. As the honourable mover informs me, about 45 lakhs has been spent on the buildings and a very large sum annually is spent on recurring expenditure. But it is a matter of great regret that the provincial revenues do not contribute any

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sum towards this university. I think it is the business of the State to give higher education to the people living in the province, and therefore it is absolutely necessary for the Government to come to its help. We find that in this Hindu University there are certain colleges which are very useful and which impart education not only to the people of this province but also to those of other provinces. There are the Electrical and Mechanical Engineering Colleges and there is also a side of the university imparting industrial education. We do not find any other institution in this province which imparts education of this technical character, and if these colleges had not been established as a part of the Benares Hindu University, probably it would have been necessary for the Government to establish colleges of a similar nature and to find means to support them. Considering that so far it is only the public purse that has contributed to its maintenance, it is undoubtedly the duty of the Government to come to the financial assistance of the Benares Hindu University. I think such assistance cannot be opposed on the ground that it is a university of All-India character. It does not matter if it is an All-India university : It is situated in the United Provinces and a very large number of students from United Provinces are educated there. Considering that if the Benares Hindu University had not been established it would have been necessary for the Government to bring into being a university in order to provide for higher education, and also when public enterprise has found a substantial amount of money both for buildings and for recurring expenditure, the Government ought to contribute its mite for the maintenance and improvement of this university. I think a grant cannot be refused merely on the ground that there is financial stringency. The sum which has been named by the honourable mover is not such a prohibitive amount as cannot be found for the needs of a university.

I therefore think that, taking into consideration the needs of the university and the necessity for higher education which is always welcome, I have no hesitation in giving my whole-hearted and unstinted support to the resolution before the House.

Dr. Shafa'at Ahmad Khan : A Chinese philosopher has remarked, with the wisdom characteristic of Chinese philosophers, that it is dangerous to lay hold of the tail of a tiger to escape from the floods. That maxim applies to this particular case. The university in applying to the Government for aid may be regarded by some people as inviting interference in its affairs. There are, I admit, dangers, but the position is simply this. In 1921 the Hindu University applied to the United Provinces Government for aid. Let me read an extract from a letter which my friend, Mr. Dhurva sent to me with regard to the Benares University—"In 1921 the university requested the United Provinces Government, through His Excellency Sir Harcourt Butler, and the then Finance Member, Sir Ludovic Porter, for a non-recurring grant to the university for the expansion of the engineering college. By a telegram, dated the 24th June, 1921 from the Secretary to Government, Education department, the university was informed that the Finance Committee had approved the proposal to give a non-recurring grant of three lakhs, and that the sanction of the Legislative Council would be asked for either by a supplementary estimate, or in the budget, according as funds were available."

Consequently the university expected to receive the amount, and even incurred expenditure in anticipation, but it was subsequently informed by a letter, dated the 26th January, 1922, that the Government regretted that the financial position did not admit of any contribution being made then to the university. This, Sir, is the position of the university. It educates 700 students who are natives of this province; it has got, I think, valid reasons for this request for help, and I hope the Council will sanction it. There are some points connected with this on which I should like to say just a few words. It is thought by some people that the Benares Hindu University being an Imperial University has no claim upon the purse of the Local Government. I think that it is not a wise policy to follow this method. Why? Because the university is in the first place situated in these provinces, and the Local Government is more likely to know the needs, and the requirements of the various institutions which the university maintains. I come next to the point of the policy involved in it. I do not like the idea of universities going, cap in hand, to all sorts of people asking for money, and the universities themselves do not like this form of begging. It is a most disagreeable task, and we ought to place them in a position which will enable them to dispense with it. Moreover, there is not a profusion of pious benefactors. The last point I should like to deal with is that the Council cannot abdicate its function of indicating the general line of policy it would like to see pursued. That, I believe, is a proposition which is fundamentally true, though I have heard in some quarters opinions to the effect that the Council should not interfere and that this Council has nothing to do with questions of policy, and that the initiative should come from the Government. I deny it, because I think that the whole future of the province depends upon the Council indicating the line of policy to the Government with regard to education, to sanitation, local Government and other important matters. We must see to it that the policy indicated by the Council in these matters is carried into effect by the Government.

Lala Mathura Prasad Mehrotra : I rise to support the resolution so ably moved by my friend Rai Bahadur Lala Sita Ram, not because it is for a grant to a Hindu University and I am a Hindu, but because the University is doing useful work not only in the teaching side but in other branches which we do not find in any other Universities of the province. I am especially speaking about the Engineering and Ayurvedic work which the University is doing. Sir, I had the honour of going there twice this year, once in the company of the Hon'ble the Minister for Education, and when I say that the Engineering department impressed us very deeply I hope the Hon'ble Minister will also bear me out. When we went to the Engineering department we were shown that the students had prepared their own electric wire and fans with which the whole department was fitted. They also took us to a small room where they were making researches for wireless telegraphy. These are the things the research of which is badly wanted in India and I think there is no other University in India in which these things have yet been taken up. As regards the Ayurvedic work they were not able to do much because of want of money and therefore we should support the university in monetary help as much as possible. The fact that whether this provincial Government should give them a grant or not is taken up by the other members and fully proved. One sister university is already

[Lala Mathura Prasad Mehrotra.]

getting a recurring grant of Rs. 60,000, and this time I hope the Council will pass another item when the next budget comes up, and I think that this university would also get the sum for its requirements. I hope the honourable members of the House will unanimously support this resolution. With these few words I extend my whole-hearted support to the resolution.

The Hon'ble Mr. S. P. O'Donnell: I have to oppose this resolution; not because of any lack of sympathy with the institution in question; we naturally wish that it should flourish and expand; but for these reasons: In the first place we cannot recognize that we are under any obligation to finance this university. The Benares Hindu University is not a provincial institution, it is an all-India institution. It was not established by the Local Government but by the Government of India and that at the express wish of its founders. It was their desire that the institution should not be a provincial institution but an all-India institution. The whole of the negotiations were carried on with the Government of India, and the Government of India and the Central Legislature established this university. The honourable mover is mistaken in supposing that even before the Reforms the university could not have been established by the Provincial Legislature. All that would have been required was the previous sanction of the Government of India to the introduction of the Bill. But it was not the desire of the founders of the university that their university should be a provincial institution. They desired that it should be of an all-India institution. That being so, it is to the Government of India, and not to the Local Government, that they should look for assistance.

My second point is this. Whatever money that can be made available for university education is required for our own institutions—for our two provincial universities and any other provincial institutions that may be established. It cannot be said that we are not mindful of the needs of university education. I have made some calculations, and the Council may be interested to know that with the single exception of Bengal we spend on higher education far more than any other province in India. The figures are as follows:—In Bengal, where the immense Calcutta University is situated, they spend Rs. 30,95,000, in the United Provinces the expenditure comes to Rs. 27,23,000; in Madras it is Rs. 16,36,000. In Bombay it is Rs. 10,28,000 and in the Punjab it is Rs. 3,37,000. That means that we spend nearly twice as much as Madras, three times as much as Bombay, and eight times as much as the Punjab from our provincial revenues on University education. It cannot, therefore, be said that the universities receive less than their fair share from our narrow and exiguous provincial revenues.

Rai Bahadur Lala Sita Ram: Eight times as much as the Punjab?

The Hon'ble Mr. S. P. O'Donnell: I have the figures given to me. They are: Rs. 3,37,000 for the Punjab and Rs. 27,23,000 for the United Provinces. That is eight times as much as the Punjab, I think. The figures have been supplied to me by the Education department, and the honourable member can settle the matter with that department.

Any other sum that can be made available must be reserved for our own institutions. Every year we have to make increased grants to our two universities. We know that every year further demands will come

up through schedules and some of them at any rate will have to find a place in the Budget. There are also proposals for the establishment of further provincial institutions. As we know, there is a proposal for the establishment of a University at Agra; and the honourable member from Cawnpore who has spoken in support of this resolution, has a proposal to establish a technological university there. I ask where is the money to come from? If we are to provide for all the demands of our own provincial institutions, how can we find money for all-India institutions? Where are we to find the money? We must make our choice in this matter. If we are going to finance the Benares University, then we shall have to curtail the provision for our own universities.

On these grounds therefore, I oppose the resolution.

Rai Bahadur Thakur Mashal Singh: I did not intend to speak on this resolution as I inferred from the smiling faces of the Finance Member and the Education Secretary that they were going to support the resolution. It was a thunderbolt that has been hurled by the Finance Member upon us, that he has opposed it. He has said that it is an institution of an all-India character and that it should look to the Government of India and not to the Local Government for any help. I do not know why an institution, which though in its character is an all-India institution, cannot look to the Local Government for help when 700 students of these provinces are receiving education in that institution.

Rai Bahadur Lala Sita Ram: Seven hundred students living in hostels.

Rai Bahadur Thakur Mashal Singh: In addition to these there may be some more day scholars receiving education. Besides, as has already been pointed out, the university of Aligarh is also an all-India institution and it gets Rs. 60,000 as a recurring grant. So if a sister institution situated in these very provinces is eligible for such help, I do not see why the Benares University should not be given the same help. As for the stringency of funds I can say this much. In every session of the Council a large number of supplementary estimates are placed before the Council for works which cannot be said to be so urgent or beneficial as the grant to a university. Every head of department of Government comes forward with the proposal that the pay of the clerks should be raised, that an additional building should be constructed and that there will be loss to the Government if a particular item is not sanctioned by the Council, the Ganges will be set on fire and all sorts of excuses will be brought forward. Whether they are of a urgent nature or not, all sorts of demands are pressed upon the Council in season and out of season and money is always available for these demands. I do not see any reason why this modest demand of Rs. 1,20,000 should not be granted to a university which is doing very good and beneficial work.

Mr. H. David: Yesterday we talked of the floods and ever since I see money being poured out in this session with torrential force. Yesterday we had been talking about the help to the sufferers from the floods. I think the cost would come to nearly two crores. I am glad that the honourable mover is no longer a member of the Finance Committee; else he would have felt himself in duty bound to be more careful in throwing out money. Throughout the discussion yesterday there was no mention made at all as to the means by which all this money would be first secured for the Government exchequer and then poured out. I hope

[Mr. H. David.]

the Hon'ble the Finance Member has not got any taxation Bill up his sleeve to be brought out at the proper moment. Today I see there are beggars—I am sorry to use the word beggars—for the two universities and their demands will come up to over two lakhs. My friend Dr. Shafa'at Ahmad Khan said that it was beneath the dignity of a university to go begging. I think he should have borne in mind the fact that both these universities were established by begging. The first thing that I wish to urge in this connection is that the Benares Hindu University is not under the control of this Government, nor of this legislature. They go on creating and establishing numerous faculties. I find from a speech of my friend Mr. Mehrotra that they are going to have a fresh faculty of wireless telegraphy. Only the other day another friend of mine informed me that the Benares University was engaged in manufacturing motor-cars as if to compete with that great manufacturer of motor-cars, Mr. Ford. If all these activities are to be taken up they must pause and be content to cut their coat according to the cloth they have and not trouble others. It is true that they have started an electric engineering faculty. My friend Rai Bahadur Babu Vikramajit Singh is also thinking of starting another university very close to the Benares University for a similar purpose. I am led to think that the university conceived by my friend from Cawnpore is an omnibus university including every sort of technical side in the world.

Rai Bahadur Babu Vikramajit Singh : Is my learned friend in order when he refers to a resolution which has not been moved yet ?

Mr. H. David : It is not proper that we should help these universities which really do not require our help : they are Imperial—for all India. I may be excused by my Muhammadan friends when I venture to remind them that their university is not only for all India but for all Asia as they say. Such being the case I think we should look after our own universities—our own children, i.e. the Universities of Allahabad and Lucknow. I very well recollect that during the budget debate this year there was a frantic effort made—strange to say—by the member for the Allahabad University himself to curtail the grant of the Allahabad University. When we may find difficulty in supporting our own university, our own institution with which we are directly and closely connected, it seems to me very improper that we should go out of the way and help and support the universities which do not depend upon our resources. With these words I wish to stand in the way of the resolution.

Khan Bahadur Maulvi Fasih-ud-din : I rise to support this resolution in principle in spite of the fact that the honourable mover of this resolution once raised an objection to one of my amendments about granting Rs. 10,000 to the Technological Institute on the ground that a resolution of this kind, asking for money, could not be moved, and in spite of the fact that he finally wrecked my resolution on the basis of another objection.

Rai Bahadur Lala Sita Ram : I rise for a personal explanation. I had raised the objection that it was not within the competence of the members of this House to ask Government to appropriate certain sums, specified or unspecified, that we had in sight. It was on that point that I was over-ruled. And it was because of that over-ruling that I was prompted to bring up this resolution, as I said in the beginning of my speech. I hope the Khan Bahadur Sahib will have no scruples on that score.

Khan Bahadur Maulvi Fasih-ud-din: I wish to make a few observations on this subject. The first observation that I wish to make is that we are all thankful to the honourable mover for having assured us that it is not in a spirit of jealousy against the Aligarh University that he has brought up this resolution. For this we ought to be thankful to him.

The other point that I wish to bring up is in this connection that several speakers in this Council have referred to the grant of Rs. 60,000 a year which is being paid to the Aligarh University, and they have made it as an argument in their favour, namely, that when one of the Imperial Universities is getting a fixed grant from the Government there is no reason why the other Imperial University should not get a similar grant. I only wish to observe in this connection that, so far as I know, the Aligarh University is getting this grant, not because it is a university which teaches so many students of these provinces, but because the Government wants to give special aid to a community which is in minority and which is almost illiterate as compared with all other communities in India. This is a special case. I remember a very funny story. There was a man who was hunchbacked. He was asked by a certain man whether he wanted to be cured or whether he wanted all the other people should be hunchbacked. He said that he wanted that all the other people should also be made hunchbacked so that he might see them with the same eyes that they were seeing him. I am sure that it is not in this spirit that this question of the grant made to the Aligarh University has been raised. I would be very pleased if this resolution is carried by the Council and if the Government sees its way to grant the aid that has been asked for. This is a modest amount and I think that, considering the fact that the educational budget is a very big budget, this little amount can be spared very easily. With these observations I support the resolution. I, however, hope that when we bring forward the amendment of Hafiz Hidayat Husain in the shape of a resolution for a further grant to the Muslim University my Hindu colleagues will support that resolution.

Maulvi Muhammad Obaid-ur-Rahman Khan: I give my whole-hearted support to the resolution before the Council. In this connection I may say that last year some needs of the Aligarh University were put before the Legislative Assembly, but it refused to give any extra help. In these circumstances one is quite unable to understand how are we to supply the necessities of our universities which are said to be All-India Universities. In the Aligarh Muslim University there are almost 2,000 students and in the Benares University there are more than 1,000 students. A large number of these students belong to the United Provinces and I see no reason why this Government should not help them. I think the Benares and the Aligarh Universities have a right to get some money from the Local Government also.

Mr. David has raised the question of begging. In every country it is the public which supports these institutions. Lakhs and lakhs of rupees that have been collected by the Hindu University and the Muslim University were collected from members of their own communities. I do not think that the Government gave a single pie. Mr. David further said that the Aligarh Moslem University was an All-Asia university. It means therefore that we have no claim to get anything either from the Local Government or the Government of India and we should go to some other Asiatic country to get help.

It has been said that the Aligarh University is getting Rs. 60,000 annually. I may, however, say that in spite of these Rs. 60,000 the university is in need of much more money especially for starting a technical institute. Unless and until we open this institute our university will not be as beneficial as we want it to be.

We will be very glad if any financial help is given to the Benares University and for this reason I support the resolution.

Pandit Govind Ballabh Pant: I beg to move an amendment with a view to bring this resolution in line with the observations made by you. I propose that the words "provision in the budget for 1925-26 of Rs. 1,20,000 as a grant-in-aid" be omitted, as also the words "for the following purposes" and "Rs. 50,000" in (1), "Rs. 10,000 for" in (2), "Rupees 50,000 for" in (3) and Rupees 10,000 for" in (4), and that after the words "to make a" the words "substantial grant of money for the year 1925-26" be added. The resolution will then read—

"That this Council recommends to the Government to make a substantial grant of money in the budget for 1925-26 to the Hindu University of Benares for Arts and Science sides, Sanskrit studies, Engineering courses, and Ayurvedic studies."

The Hon'ble the President asked whether anybody objected to this amendment. As **Pandit Nanak Chand** objected, the President disallowed the amendment.

Pandit Govind Ballabh Pant: In that case I should like to support the resolution moved by Rai Bahadur Lala Sita Ram. My amendment, if allowed, could not have made any the least difference so far as the main purport of the resolution is concerned. I was indeed surprised to hear the speech of the Hon'ble the Finance Member on the subject. The first argument that he brought forward with a view to oppose the resolution was of a character that can hardly be put forward with any seriousness. He says that the provincial Government cannot find money for the Benares Hindu University, because it is a creature of an Act of the Government of India. This, I submit, is tantamount to saying that because the Penal Code and the Code of Criminal Procedure have been framed by the Government of India, the provincial Government will not maintain the police and the judiciary. What we are after all concerned with is the object which is attained through an institution and the benefits that the provinces derive from it. It will be remembered that the old Allahabad University Act, by virtue of which the Allahabad University was constituted, was also a creature of the Imperial Legislature, but all the same the Allahabad University was maintained for over a generation by the provincial Government. Probably we have now passed that ante-diluvian age and are in better times after the floods. I never knew that the principles of finance had also had a change. Further, it is contended that the Benares Hindu University is an All-India concern. Well; an All-India concern includes these provinces, but does not exclude them. Other provinces may refuse to help the University on the ground that, though in name it is an All-India concern, it is in fact the United Provinces which derive the greatest benefit from it. Therefore, I submit that far from expressing any gratitude to the other provinces for the help they have given mainly for the benefit of the people of these provinces, it is certainly very ungracious of the Government to trot out the argument that because the university is an All-India concern, it does

not require any special attention from the Local Government. Besides, there is another aspect of the question. Since the establishment of the Benares University a constitutional change of a fundamental character has taken place. The subject of education is now purely provincial. Instead of the Imperial Government, as in the old days, having to dole out money to provincial Governments for specific purposes, we have now got our own heads of revenue to meet our expenditure in the various departments. Accordingly, education in these provinces has to be financed by the revenue which is raised by these provinces, and the Benares Hindu University, inasmuch as it caters to the need of a large number of students of our provinces, is entitled to pecuniary assistance from the provincial Government. It is urged that our own universities have yet to make a considerable leeway, and we require money for that. We never say that they should be starved. Nevertheless, there are certain points which should be borne in mind. The money that will be allotted to the Benares Hindu University will be of greater economical value than that which is being spent on our own universities as is evident from a comparative examination of the amount of expenditure on students in these universities. In the Benares University the expenditure per head is much less than either at Allahabad or Lucknow. It is not even a quarter of what is spent per head at the Universities of Lucknow and Allahabad. In the next place, the education which is being imparted to students by the Benares Hindu University is more in consonance with the genius and life of the people of the province than that we are receiving either at Lucknow or Allahabad. While simplicity of life is the characteristic of a student living at Benares, the pampering of a student on lines which do not ordinarily lead to national regeneration and growth is the feature of both the provincial universities. I do not wish to make any sweeping remark, that may seem to be too wide and general a proposition; but I do maintain that there is some sort of difference between the two universities. Taking only one instance, while men like my friend Dr. Ganesh Prasad, can be appointed as the Principal of the Benares Hindu University it should be almost impossible for Mr. Mackenzie to conceive his appointment as Principal of a college in any university under this Government or directly under its control if he continues his ways and his independence as they are these days. So I submit that there is more of the national spirit imbued in the Benares Hindu University than in the other two universities, and it is up to us to support the claim of the Benares University. It is really a pity that Mr. David, in spite of his belonging to the religion to which most of the missionaries who have come to this country from distant lands to encourage the cause of education, even at their own cost, should have taken upon his shoulders this very unpleasant task of supporting the Hon'ble the Finance Member. It was not after all a very weak individual who stood in need of his assistance. It was not necessary for him to extend his support, as the Government is much too strong for the Council and does not feel any difficulty or reluctance in disregarding its pious wishes. He could very well have left it to others. So far as the Aligarh University is concerned, I believe that the education that is being given there is more in consonance with the spirit of the race than that which has been granted in other places and its requirements should be sympathetically considered. I do not know however whether the statement of Mr. Fasih-ud-din that Muhammadans are illiterate is correct. I must take that so far as this province is concerned . . .

Khan Bahadur Maulvi Muhammad Fasih-ud-din : I said " comparatively."

Pandit Govind Ballabh Pant : " Comparatively," thank you. I must submit that so far as this province is concerned we are in a happy position that the Hindus and Muhammadans here have not much to distinguish one from the other and that the position is as good and as encouraging and hopeful for the future as it can possibly be or we can wish it to be.

There is one remark of Dr. Shafa'at Ahmad Khan which I am not quite prepared to endorse, though I support the general remarks that have been made by him. The Council is not concerned at present with the question of the principle as to how far to interfere with the policy of the university, but this much cannot be forgotten that the universities are after all large representative bodies. They are expected to represent the intellect and culture of the provinces, and the Council cannot very well now and again meddle with the internal affairs of the university. I think I need not further detain this Council. In conclusion, I may remind the Government that His Excellency the Governor is the Visitor of this university and as such there are many rights and privileges vested in him so the members of the Government should not look upon the Hindu University as a foreign or alien institution.

Dr. Shafa'at Ahmad Khan : I rise on a point of personal explanation. Pandit Govind Ballabh Pant seems to have attributed to me the policy that this Council should interfere with the internal affairs of the university. I must state that that is not the view I put forward. I merely said that the Council has the right to indicate broad lines of policy as regards university education, primary education, and secondary education; I never meant that the Council should interfere in the internal affairs of the university.

Dr. Ganesh Prasad : I do not rise to discuss the needs and the merits of the Benares Hindu University. It seems to me that while I was sitting in a quiet corner Mr. David's ire alighted on my head and he remarked that I had last March tried to cut down the grant of the Allahabad University by Rs. 60,000. By way of a digression I say that my colleagues should know this that without my having moved in the matter the Allahabad University would not have been able to save Rs. 90,000 which it has been able to save in the current year. My friend Mr. Govind Ballabh Pant brought to my memory the fact that I was at one time a Principal in the Benares Hindu University. As a matter of fact I was also Dean of the Faculty of Science for several years and I was a member of the Executive Council for years and years. I suppose that there are things which are known to me about the Benares Hindu University which are not known to any member of this Council. I am not going to disclose the secrets of the Benares Hindu University. I am not going to discuss at length the merits of that university. But there is not the slightest doubt about this fact that the Benares Hindu University is not under the control of the United Provinces Government or of this Legislative Council to the same extent as the Allahabad University is. My friend the Director of Public Instruction sits on the Executive Council of the Allahabad University and if I remember right he sat only once in a body of the Benares Hindu University and that was in 1916 as a member of the Senate. I doubt very much if he

has any knowledge of the inner working of that university. In the same way I doubt very much if any honourable member of the Government has any definite knowledge of what is happening in that university. I think that the attitude that has been taken up by the Hon'ble the Finance Member is a perfectly legitimate attitude. He said that the Government was spending a very big sum on the universities and the colleges and it was not desirable to spend money on maintaining an institution and on improving an institution over which we had got no control. I appreciate his attitude. I am not going to say that I am going to oppose this resolution. My submission is that as a detached spectator I spend a portion of my time in Benares and I hear that the condition of the affairs of the Hindu University is the same as it used to be in October, 1923, when on being offered the Hardinge Professorship in the Calcutta University I severed my connection with the Hindu University. I think that the Government should certainly make it a condition of its help to the Benares Hindu University, that it will control the university in some shape or other.

I remember the time when Sir Ludovic Porter's promise of the year 1921 was discussed at very considerable length and in a very heated manner in the Executive Council of the Benares Hindu University. Of course of the discussion there is no record, though the promise was mentioned in the printed speech of the Vice-Chancellor to a meeting of the court. If any kind of promise was held out at the time *unconditionally*, that promise, I think, should certainly be made good in the near future, not necessarily in this year of financial stringency, but certainly as soon as possible, because it seems to me that if any important member of the Government does make a promise, that promise should be considered sacred, for the Government would otherwise lose in the estimation of the people. A great many things were said—I am not going to disclose them—which produced a very bad impression on the minds of the members of the Executive Council. Before I sit down I wish to make clear what my position is. I have not discussed the resolution at any considerable length and I did not feel called upon to discuss it so. As a matter of fact I do not consider it my duty to discuss the merits of this proposition, but I do maintain that the Benares Hindu University is in very great need of money. For what reason this need has arisen I am not going to disclose, but the Government's attitude should be that of a guardian. As my friend Pandit Govind Ballabh Pant has brought to the notice of the Council, His Excellency the Governor has got certain powers vested in him by the Act of 1915, when the university was brought into existence. He is the visitor of the university, just as His Excellency the Governor General is the Lord Rector. These are two high authorities and have got certain powers, but I do not see why those powers should not be exercised by them if they find that the resources of the university have been, or are being, frittered away. It is for them to come down upon the university and see that the resources of the university are properly husbanded. Subject to this condition I think that the university should be helped. With these remarks, which I have made with the greatest reluctance and which I would not have made had not my friend Mr. David remembered me suddenly and had not Pandit Govind Ballabh Pant brought to the notice of the members of this Council that I had at one time held a fairly high position in the Hindu University, I support the resolution of my friend Rai Bahadur Lala Sita Ram with the condition that I have indicated.

Babu Sangam Lal : I move the closure of the debate on this resolution.

The Hon'ble the President : I accept the closure.

Rai Bahadur Lala Sita Ram : I am in general agreement with what has fallen from my friend Pandit Govind Ballabh Pant. I only wish that a robust young man as he is he should not so mercilessly have come down upon my friend the old Mr. David. I also disagree with him when he said that an Indian could not rise to a high position in the Lucknow or Allahabad Universities. I do not know what the future has in embryo for us; at present the condition of affairs is quite different. We have in the Lucknow University an Indian, Mr. Chakravarti, as Vice-Chancellor; in the Allahabad University a Vice-Chancellor, Pandit Ganga Nath Jha. I know he said that it was about the Principal of a college, but I may tell him that Lala Diwan Chand is the Principal of an associated college in the United Provinces and I dare say Mr. Mackenzie will have no objection. I am saying without his authority, but I think he will not withhold the grant if an Indian is appointed as a Principal.

Pandit Govind Ballabh Pant : I only said whether an Indian of the convictions and ways of Dr. Ganesh Prasad could be given such a position in any Government controlled university. I did not mean any Indian, but an Indian with his independent views.

Dr. Ganesh Prasad : I am Hardinge Professor of Higher Mathematics. That is a very high position.

Rai Bahadur Lala Sita Ram : I am grateful to my honourable friends, non-official friends of course, for the unstinted support they have given to this resolution. Of course some of them are looking forward to a time when a resolution will be brought forward for a similar grant to the Aligarh University. We shall deal with it when it comes and I for one will have ample sympathy with the resolution when it is brought, but of course we shall have to discuss the merits of that resolution as we are discussing the merits of this resolution. I was prepared for the opposition of the Hon'ble the Finance Member, because I knew that the Benares Hindu University was not a transferred subject but a reserved subject. It is true that one of its sides, the Ayurvedic side, may well be brought by a stretch of the language under the control of the Hon'ble Minister of Education and Public Health. I do not know whether it can be, but if it can be so brought, I will ask the Hon'ble Minister at least to devote a part of the grant at his disposal to the encouragement of the Ayurvedic side in that university.

To deal with the points raised by the Hon'ble the Finance Member. My honourable friend from Naini Tal has in his own eloquent manner dealt with those points. Does the Hon'ble the Finance Member mean really that it is no part of the duty of the Local Government to encourage an institution which has been established by an All-India Act and in which no less than 700 students of these provinces reside in the hostels only, not to speak of the day scholars? Does he really mean that when founders of aided colleges and private schools establish their own institutions, of course out of their own free will, out of a desire for public service, it is not the duty of the Government to help them? After all what is Government? The Government is said to be only an organized will of the

community. We do not recognize any other form of Government. If the Government is the organized will of the community and the institution is for the good of the community, it is the duty of the Government to help the community and the institutions with which it is connected.

It is said that it is the duty of the Assembly to help an institution which has been established by an All-India Act. When that institution was established, education was not a transferred subject and as has been aptly remarked by Mr. Obaid-ur-rahman Khan, the Assembly refused to give any aid to the Aligarh University. I am speaking on his own authority; I am not up to date so far as the proceedings of the Assembly are concerned. But if the assertion made by him is correct, it appears to me that these two universities are like a washerman's dog which is neither of the home nor of the ghat; it is a proverb in the vernacular "dhobi ka kutta na gher ka, na ghat ka." Neither the Assembly will help, nor will the Local Government help them, but they should depend on their own unaided help and on their own unaided resources. After all, as I said before, the Government has not come from the heavens, it does not belong to the under-earth. The money that is raised comes out of our own pockets and it is for us to have a voice in the administration of these funds. If Government is therefore amenable to our wishes and to our representations in this matter, I hope it will take this matter into consideration. After all, what does my resolution embody? It is only a very modest demand for the grant of one lakh and twenty thousand, nothing more. Having regard to the fact that they have spent lakhs and lakhs over buildings and equipment in the Hindu University and are incurring so much expenditure on imparting higher education, is it or is it not the duty of the Government to give them at least a paltry sum of Rs. 1,20,000? The Hon'ble the Finance Member says that Government recognizes no obligation in connection with an All-India institution. They are so doing in the case of the Aligarh University; they are giving aid to it for Arabic studies, they are giving aid for general purposes also. I say, "Give an aid to the Benares Hindu University for Sanskrit studies, and for its engineering colleges." Government in this province have been thinking of establishing an electrical and mechanical engineering college at Lucknow. It will cost lakhs and lakhs to establish such a college. Why cannot they give an aid in these days of financial stringency to the Hindu University which already maintains such a college? This is the recommendation made by the Economy Committee. They can do so on the *per capita* basis. It is strange that in these days of financial stringency they think of establishing another independent institution of their own and do not aid an institution which is already there. Am I right in thinking that it is on account of the control that the Local Government is not sympathetic towards this institution? I do not know whether they made it a condition precedent, whether they wrote to the university about it. I have not with me the Benares Hindu University Act and I do not know how far Government officers are represented on it. I know His Excellency the Governor is the Visitor and I think that other officers of the Government are *ex officio* members of the various bodies of the university, but if they are not and if Government want a control and they want it on the basis of a paltry sum of Rs. 1,20,000 in other words, if they want to be partners in the pulse by having squeezed a lemon into it "nibu nichor kar dal men sharik hona chahte haiu," let them say so to the university. I do not think

[Rai Bahadur Lala Sita Ram.]

that for one lakh and twenty thousand or any sum of that kind, they should have control. They ought to depend on the good sense of the highly educated men who are in the Benares Hindu University. I do not admit that proposition at all that simply because Government give a paltry sum to that institution, therefore they must have some control over that institution. It is up to Government to find out, if they want to find out anything from the Benares Hindu University. They could ask for returns, for certain statements. The grant will be of a recurring nature. If they are not satisfied and if they convince the Council that the grounds for withholding the grant are reasonable and proper, I do not think they will find the Council not adopting a reasonable mood. Having got all these powers, why should the Government hesitate on the flimsy ground that the University is of an All-India character. I think it is an obligation on the Government, it is the bounden duty of the Government to help an institution which has been reared with so much care, devotion, and self-sacrifice.

I have just only one more remark to make as regards the figures given by the Hon'ble the Finance Member. The expenditure on the universities in these provinces, he was pleased to remark, was 27 lakhs. I have got the budget of 1924-25 in my hand and the grants to universities amount to Rs. 17,60,000. There is a sum of Rs. 54,000 on Government arts colleges and a sum of Rs. 4,82,000 on non-Government arts colleges and about 6 lakhs on Government professional colleges. Perhaps they have included all these and made up a total of 27 lakhs. As a matter of fact it should not be estimated like that, because Government professional colleges include the Roorkee College, Training College, and other professional colleges. So far as non-Government arts colleges are concerned, they are there: they must be there in the Bombay University and the Punjab and I do not know whether the figures are included in them, but the correct figure is only about 18 lakhs. I am not in a position to disclose the proceedings of the universities co-ordination committee but according to the recommendations of that committee, if they are accepted by the Government, the grant will be much less than what it is now according to the budget figures: Government would spend only 15 lakhs on the two universities.

The Hon'ble the Finance Member said something about the Agra University. I am not in a position to disclose the recommendations of that committee as well, but I shall be surprised if there will be any large expenditure over the Agra University. I therefore think, Sir, that on the basis of these figures there is a good case for a grant to the Benares Hindu University.

The Hon'ble Mr. S. P. O'Donnell: I would like to invite the attention of the Council to the Devolution Rules. If honourable members will refer to these rules they will find that the Benares Hindu University is classified not as a provincial subject but as a central subject. The entry runs as follows:—

“ 5. Education ; provided that—

(a) the following subjects shall be excluded, namely :—

(i) the Benares Hindu University.’

Rai Bahadur Lala Sita Ram: That is why I said it is a reserved subject.

The Honble Mr. S. P. O'Donnell : That does not make it a provincial subject. It is a central subject and the whole scheme of the reforms contemplates that the Government of India should pay for central subjects and the Provincial Government should pay for provincial subjects. Therefore we are no more under an obligation to pay for the Benares University than we are under an obligation to pay for the army. Both are central subjects, and the obligation, if any, rests not on us but on the central Government.

It is quite true that a grant is made to the Aligarh Muslim University but that grant really replaced the old grant which was always made to the Muhammadan Anglo-Oriental College, and I cannot therefore admit that it constitutes any precedent for the claim now made in regard to the Benares University.

As regards the figures which I gave to the Council they do include the expenditure on arts colleges and professional colleges because these are institutions of university standing. The figures have been worked out on the same basis for all the provinces, and it would make no difference whatever to the relative expenditure in these provinces if we excluded the arts colleges and professional colleges. I do not know why the honourable mover has said that we are likely to spend less on Allahabad and Lucknow Universities under the scheme proposed by the committee to which he referred. I saw the papers a short time ago and my recollection is that according to calculations of the Financial Secretary we shall have to pay more next year than we are paying this year. It is obvious that expenditure on education will expand year by year. The honourable mover says "no;" I shall be glad if the demands can be fully met without having to increase the provision. I cannot, however, be sure of the honourable member's optimistic estimate. This is a subject which in my experience has always required more and more money year by year, and if, in addition to a normal increase, we are required to provide for an All-India institution, and probably for two such institutions, I do not know where the money is to come from.

Rai Bahadur Lala Sita Ram : Will the Hon'ble the Finance Member explain why the promise was made in 1921 to grant 3 lakhs?

The Hon'ble Mr. S. P. O'Donnell : I do not deny that we did at one time propose to make a grant. My point, however, is that we are under no obligation to provide for the university's needs.

Rai Bahadur Lala Sita Ram : Is there any prohibition to allot money to a central Institution?

The Hon'ble Mr. S. P. O'Donnell : No there is no prohibition. But it is for the Central Government, not for the Local Government, to make provision for such institutions.

The resolution was put and adopted.

RESOLUTION RE APPLICATION OF CERTAIN SECTIONS OF THE OUDH RENT ACT.

Babu Sita Ram : I beg to move—

That this Council recommends to His Excellency the Governor in Council to extend the provisions of sections 4, 36 to 46, and 48 of the Oudh Rent Act, (Act XXII of 1886) as

[Babu Sita Ram.]

amended by the Oudh Rent (Amendment) Act of 1921 to all the areas in clauses 1. to 6 mentioned in schedule D of the aforesaid Act by issuing a notification in the local official Gazette to the said effect in terms of section 157 of the aforesaid Act, and if for any valid reason they cannot be extended to any of the clauses then to the rest.

Sir, my proposition is a very simple one and does not want any extraordinary changes in the provisions of the present Oudh Rent Act. It simply wants to extend the provisions of that Act to certain areas which have remained deprived of the benefits of those provisions till now. Before I begin to deal with the details of my resolution I beg to place before the members of this House some history of the provisions of the Oudh Rent Act. The first Oudh Rent Act that was applied to the province of Oudh was Act XIX of 1868. That was the first code regulating the relations of landlord and tenant. At that time the Government recognized only two classes of tenants in the province of Oudh, occupancy tenants and non-occupancy tenants. Those tenants whose predecessors held proprietary or under-proprietary rights at any time within thirty years of 1856—that is the date of the acquisition of the province by the British Government, and who had lost those proprietary or under-proprietary rights but had continued to cultivate the land, they were given rights of occupancy. Those persons and their heirs could continue to remain on the land so long as they paid rent for that land. The other class of tenants was the non-occupancy tenants, and those persons were either tenants by virtue of an agreement or of some decree of court or they had acquired land from the landlord on certain terms. Then after 1868 the Government of India took up the revision of the Oudh Rent Act in 1886, and at that time it was felt that further rights should be conferred upon the tenants. The Government conferred the right of seven years' tenancy upon the tenants throughout the province of Oudh, that is, any person who was at that time holding land or who subsequently acquired land from a landlord was allowed to remain on the land for seven years without any change in the rent, and after the expiry of the period of seven years the landlord could enhance the rent by one anna in the rupee. This state of things continued till 1921. We all know the feelings of the tenants at that time. They wanted something substantial for themselves and the Government had to yield, and the landlords also thought that it was necessary that some rights should be given to the tenants. There was a compromise between the landlords and the Government, and the landlords acceded to the principle that a tenant was entitled to remain on the land and after his death his heir was entitled to remain on the land for five years. And as to rent instead of being enhanced at the pleasure of the landlord on the expiry of the seven years—it was enacted that a fair and equitable rent in each village should be determined and the rent of a tenant should not be enhanced during the course of ten years and after the expiry of the period of ten years only the rent determined by the roster officer should be levied from a tenant. These were the main principles that were embodied in the Amendment Act of 1921. So throughout the province of Oudh, except the areas mentioned in schedule D, all the tenants have got a right to remain on the land for their life and after their death the heir is entitled to remain on the land for a period of five years. The landlord during this period cannot eject either the tenant or his heir if they agree to pay the rent determined by the roster officer. Now, my resolution wants nothing more than that these provisions should also be extended to the persons

who reside in the places which are mentioned in schedule D. Now, honourable members of the House will ask me what is the resolution that I have brought forward before the House, because therein I have referred to a good many sections of the Oudh Rent Act. I will draw the attention of honourable members to section 157 of the Oudh Rent Act. It runs thus:—

“The provisions of sections 4, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 48 shall not extend to the areas specified in Schedule D of this Act or to any areas which the Governor in Council may from time to time by notification in the local official Gazette add to that schedule, but the Governor in Council may from time to time by like notification extend those provisions or any of them to any of those areas.” Now, my resolution is in terms of section 157. I want that the Governor in Council should issue a notification extending the provisions to the areas mentioned in schedule D. Honourable members of this House will be pleased to observe that most of the land which is excluded from the provisions of these sections lies in the Kheri district. It is a big area, not inconsiderable in extent, and it is also well populated. It cannot be said that there is not sufficient population there; nor can it be said that there is no sufficient cultivation there. When the Act of 1886 was passed half of the Kheri district was excluded from the provisions of these sections, and at that time the plea of the Government was that there was unsettled cultivation in that portion of the district; also it was thought that there was more land than was cultivated, and the Government thought that there would be no difficulty to the tenants if the provisions of those sections were not made applicable to these portions. But the state of things has changed since then. I think it was the honourable the present member of the Board of Revenue who made efforts to put some of the parganas under the provisions of these sections. District officers every now and then made attempts to get the provisions of these sections extended to the remaining areas; but for some reason or other Government are not extending these provisions. At the time the Act of 1886 was passed all the land to the north of the river Oel in Kheri were excluded. Srinagar, Bhur, Kukra Mailani, Paila, Firozabad, Dhaurahra, and other parganas in tahsil Nighasan were excluded from the operation of these sections. Now, owing to the efforts of district officers the provisions of these sections have been made applicable to parganas Bhur, Srinagar, Dhaurahra, and Firozabad. The parganas that are now exempt from the operation of these sections are Nighasan, Paila, and Khairigarh. I put a question in the Council and the Hon'ble the Finance Member was pleased to say in reply that no hardship was experienced by tenants. When I asked whether there were any notice of ejectment issued by landlords and by the Court of Wards, which is a part of Government, then I was told in reply that seven notices were issued by the Court of Wards and sixty by zamindars last year. I know, though Government may or may not be knowing, that this year a very considerable number of notices has been issued by the landlords to persons living in the areas mentioned in schedule D. Thus, the provisions of the Rent Act are being utilized to the detriment of the tenants. Even the Court of Wards has thought it fit to issue notices of ejectment against the tenants. Why? Because—in one case at least that I know—the Court of Wards wanted to enhance the rent four times and the tenants refused to pay the enhancement; and the

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Court of Wards then issued a notice of ejectment. There can be reasonable enhancements under that Act now which in former times used to be one anna in the rupee. But the officers abused their power by asking tenants to pay four times the existing rent. But the thing did not stop here. A notice of ejectment was issued to the tenant last year but the tenant contested it. The court upheld his contention and the notice was cancelled. This year the Court of Wards has issued a fresh notice because it is not satisfied with the court's decision. So long as this power remains with the Court of Wards it is liable to be abused and therefore my request to this honourable House is that as you have given rights to the tenants throughout the Province of Oudh this portion of the Kheri district should not be left unprotected and the tenants of that place should not be left at the mercy of the landlords who on the report of their zilladars become annoyed with the tenants and begin to trouble and torture them. I know that the Taluqdars themselves are not actuated by bad feelings or evil motives, but it is their petty servants who are, and it cannot be denied that if the zilladars of the Court of Wards want to make money and if they are not given proper amounts they ask the special manager to issue notices. Reasons can be found for anything. It is an old thing that people can make the worse appear the better reason. So the landlords on the reports of the zilladars or other subordinate officials become displeased with the tenants and as they have got power it is liable to be abused and it is being abused. Therefore my request to this honourable House is that as you have given these rights throughout the whole Province of Oudh you should also give these rights to the persons residing in the parganas of Nighasan, Pallia, and Khairigarh.

I had put a question in the last session of the Council to the following effect:—

“Will the Governor in Council be pleased to issue a notification in the local official Gazette at an early date extending the provisions of sections 4 and 36 to 46 and 48 of the Oudh Rent Act to all the areas mentioned in clauses (1) to (8) of schedule D, or at least to these mentioned in clauses (1) to (6) of the said schedule of the Oudh Rent Act?”

The Hon'ble the Finance Member replied as follows:—

“No, but the question of item (ii) of schedule D is being further examined.”

The next question is—

“If the answer to the above question be in the negative, will the Government be pleased to state with reference to each clause of schedule D the reasons on which exemption is even now desired from the operation of the aforesaid sections for the areas mentioned therein?”

The Hon'ble Mr. O'Donnell replied: (1), (2), and (3). ‘The honourable member is referred to the report of the select committee on the Oudh Rent Bill published with the *Government of India Gazette*, dated the 25th September, 1886.

“(4), (5), (6), (7), and (8). It is impossible to allow permanent or quasi permanent rights to be acquired in such lands.”

I am grateful to the Hon'ble the Finance Member for supplying me with a copy of the report of the select committee referred to in the answer. When you examine the report of the select committee, you will find that the objections that were then raised do not apply now.

" 57. Section 131 (157). The entries in schedule D are based on the following remarks of the Government of the North-Western Provinces and Oudh :—

" In schedule D, on the advice of the Deputy Commissioner of Sitapur, the Lieutenant-Governor proposes to enter as subject to section 131 of the Bill the parganas of Enkra, Mailani, Bhur, Srinagar, Nighasan, Pallia, Khairigarh, Dhaurahra, and Firozabad in the district of Kheri. They are all in the Tarai and are characterized by a cultivation which fluctuates with every occasion, and the rent customs are adapted to a state of agriculture in which the rules suited for a settled system of cultivation are inapplicable."

This was the reason which the Deputy Commissioner of Sitapur at that time gave when the Oudh Rent Act of 1886 was being considered. I may inform the honourable members that the portion which is the subject of Tarai is that portion which lies between the rivers Ul and Chauka. The land to the north of Chauka is not Tarai but highland. The Tarai land is covered by parganas Srinagar and Bhur and the provisions of these sections have been made applicable to this tract of land. The land which forms part of parganas Nigasan, Pallia, and Khairigarh is highland. So far as Nigasan and Khairigarh are concerned, they are not subject to the fluvial action of the river. Regarding the question of cultivation I will show you from the figures that I have obtained through the courtesy of the Deputy Commissioner and his subordinate staff that the cultivation is not so varied as it is thought.

The Hon'ble the President: The honourable member has already exceeded his time, and he must bring his speech to a close as soon as possible.

Babu Sita Ram : The figures that I have got show that the cultivation in the Nighasan tahsil is 62,000 acres, in Pallia about 10,000, and in Khairigarh about 39,000 every year.

This is about class I of schedule D.

The other class is the waste land. The Government do not extend the provisions of these sections to waste land simply for the reason that they were given to the grantees on the condition that they should bring them under cultivation within a certain time. I will submit that these grants were given very long ago, and most of them are now under cultivation. So far as alluvial lands are concerned, although these lands may come under water, the tenant is made to pay rent for them. Therefore there is no reason why he should not get fixity of tenure.

At this stage the Council adjourned for three quarters of an hour.

After the adjournment the Deputy President took the chair.

Lala Mathura Prasad Mehrotra : I rise to oppose most emphatically the resolution moved by my honourable friend the member from Kheri not because it is in the so-called favour of the tenants, but because it is damaging to some of the chief principles upon which our Oudh Amendment Act was framed. But at the same time I have great appreciation for the way in which he has put the case, leaving out no doubt all the points which were against his resolution. At first he put the resolution in a way as not to be intelligible to many of the members of this House without consulting the Act itself: but I am glad to say that he has explained his meaning himself, that is, that he wanted to extend the statutory rights to all the clauses of schedule D of the Oudh Amendment Act: but in that

[Lala Mathura Prasad Mehrotra]

schedule he has taken up chiefly the first clause leaving all others. Now before going into the details, I will read all the clauses of this schedule first.

Clause (1).—Parganas Kukra Mailani, Bhur, Srinagar, Nighasan, Palia, Khairigarh, Daurahra, and Firozabad in the district of Kheri.

Clause (2).—Alluvial mahals for the time being registered as such under the rules made under clause (k) of section 234 of the United Provinces Land Revenue Act, 1901.

Clause (3).—Lands heretofore or hereafter granted under the waste-land rules for the time being in force in Oudh ;

Clause (4).—Lands at present or which may hereafter be set apart for military encamping grounds; and

Clause (5).—Land situated within the limits of any cantonment.

I was indeed very sorry to hear from him that the Government has extended this right to some of the parganas, and I do not appreciate at all this action of the Government, as it was done in a hurry. Now, Sir, the land that lies in these parganas is mostly waste land, Tarai and perfectly undeveloped. The zamindars of these parts have begun to take interest and they are cultivating those lands themselves at their own expense, giving them to the tenants at a very low rate, say, from 1 anna to 4 annas per bigha. I met a gentleman this morning who belongs to the Kheri district and is a big land-holder and he told me that the lands have been given to the tenants even at 1 anna per bigha. Imagine the rate. If the statutory rights are extended to these parts of land the zamindars will be deprived of the benefits of their landed property. Now he has given the total area of the land of these three parganas as 327,000 acres, but he has not given the percentage of cultivated land in those parganas. By this I take it if not corrected that the percentage is very low, otherwise he would have come forward and given the percentage. Under these circumstances I think it is not proper for us to extend those sections in such a hurry and hence I oppose this resolution.

Thakur Hukum Singh: I rise to give my whole-hearted support to the resolution moved by my honourable friend from Kheri. The Oudh Rent Act has been a matter of keen controversy and discussion in the last Council. It was with great difficulty brought to an end and it was tried that it should be made as complete as possible. But I regret to say that it is not immune from defects, and this is one of those defects which the honourable move has sought to remedy by this resolution before this House. At the same time it cannot be denied that by the amendment of the Oudh Rent Act in 1921 some more rights were given to the Oudh tenantry. But I fail to understand why those rights were not extended to the persons or to the tenantry who unfortunately happen to hold their tenancy land in the areas given in schedule D of the Oudh Rent Act. They were deprived of those rights by the insertion of section 157 in the said Act. In this connection I beg to submit that at the time of the insertion of that section the chief fundamental principle that security of tenure is one of the essentials for the development of agricultural industry was lost sight of. The net result of the insertion of that section is that tenants in those areas are absolutely at the mercy of zamindars, and the continuance of their tenancy depends on the sweet will of zamindars. At one moment they are tenants of 100 bighas and at the other they are nowhere if they incur the

displeasure of their zamindars. There have been cases in which tenants have been ejected simply on the ground that they were not willing to do the *begar* work of the landlords. Further, Sir, this being the position of the tenants, i.e., they being uncertain as to when they will be ejected, they do not take to their cultivation with due earnestness and labour, and the result is that agriculture, instead of being improved, degenerates. My friend Mr. Mehrotra has tried to argue in opposing the resolution that there have been cases where some of the zamindars of these areas have given land to the tenants on very cheap rates, and if the statutory rights are extended to those areas, those zamindars will be deprived of their property. I would submit in this connection that he has forgotten to realize that the section allowing enhancement of rent will also apply to those very areas and if statutory rights are given to the tenants of those tracts after the expiry of the statutory periods, their rents will be enhanced and they will be brought to the level of the rates proposed by the roster, and so in this way those zamindars cannot be said to be losers. With these few words I support the resolution.

Rai Bahadur Thakur Mashal Singh: The provisions of the Oudh Rent (Amendment) Act were discussed threadbare in 1921, and it is not proper that we should enter into the same discussion again. The mover of the resolution wants simply to extend the provisions of certain sections to certain areas mentioned in Schedule D. The privileges which are enjoyed by the tenants in the 30 years' settlement areas, i.e., a life tenure plus five years and the rates of enhancement of rent after ten years, should also be extended to the tenants of those areas which are mentioned in Schedule D, viz., certain parganas in the Kheri district, alluvial mahals, lands granted under the Waste Land Rules, and camping grounds in cantonments, as has been pointed out by my friend Mr. Mehrotra. I think it will neither be beneficial to the zamindars nor to the tenants to extend the provisions of these sections to the areas in question. Take for instance the case of alluvial mahals. In alluvial mahals the revenue settlement is made after every five years. When revenue is assessed after every five years, how is it possible that the rents should be made secure for ten years and that the tenants should get the same right of life tenure plus five years as is enjoyed by them in the 30 years' settlement areas? Suppose a plot of land is cultivated by a tenant and in the next year it is cut away by the action of the river and is thereby transferred to some other village on the other side of the river, how is it then possible that the security of tenure should be given to that tenant? No plot of land has been left for cultivation. Besides that, sometimes by the action of a river the soil of the particular plot is spoiled and it cannot produce the same amount of grain as was produced by it in past years. So the cultivation of such areas which are subject to the action of the rivers is always precarious. Therefore it is quite impossible to extend the provisions of those sections to those areas. Similarly, some lands in the Kheri district are even now exempt from the operations of those sections. It is so because most of the area is situated between the two great rivers of that district and cultivation is precarious there. Besides the rent in those tracts is not permanent. It is *naqshi* rent. I think some of the honourable members will not understand this term, and therefore I will explain it. Suppose a tenant cultivates 100 bighas of land; he holds a *patta* for 100 bighas, but in a particular year he cultivates only 50 bighas. The zamindar

[Rai Bahadur Thakur Mashal Singh.]

will be entitled to the rent only for 50 bighas and not for 100 bighas. He will thus be liable to pay rent only for the area which he actually cultivates. It is therefore impossible in those tracts to extend the provisions of these sections which will bind the tenants to their disadvantage. I think that it is neither in the interests of the zamindar nor in the interests of the tenants to extend the provisions of those sections to those areas. For these reasons I think the resolution of my honourable friend should be rejected by this House.

Raja Jagannath Bakhsh Singh: I have a few observations to make on this resolution. I appreciate the desire of the honourable mover in asking to extend certain provisions of the Rent Act to those areas which are exempted from it. I am also glad to note that he has tried to be as moderate in his arguments and in his speech as he could possibly be.

There are two points about this resolution which I ought to bring to the notice of the Council. An honourable member over here just pointed out that there were certain defects left in the last amendment of the Rent Act which the mover and his supporter seek to remedy. I want to refute this argument first. The framers and the amenders of the Oudh Rent Act certainly left no such defects. The exceptions given in Schedule D concern such areas as cannot be legislated for like the others. There are certain reasons, certain circumstances concerned with those areas which justify their being kept apart. So it will be evident to the House that no defects were left in making these provisions.

Now, I have not been able to find out the object of the mover of the resolution. In the first place he wants that all the powers of the Rent Act under all the exceptions provided under Schedule D should be extended to all the areas. If that is so, he should not have sought an extension of those powers by a resolution. He should rather have brought in a Bill before the House to amend the Act to the extent that there should be no Schedule D and that all the provisions of the Act should apply to every area under the Oudh Rent Act. This is what he really means by his resolution. If that is not his object, and if he wants that by notification the Government should extend certain provisions from section 4 to section 48 to all the areas in any of the clauses under Schedule D, he should be explicit; he should show that the sections should be extended to such and such parganas. If he desires action as provided in the Oudh Rent Act to be taken in certain parganas, he should specify them. He has done neither. His resolution, as I have already stated, would require practically an amendment of the Act, while what he desires is, I think, an extension of the powers by notification. I therefore submit that the resolution is ambiguous and would advise the honourable mover to reconsider the point and bring his resolution in a clearer way some other time. If that is not his object, if he wants to extend those sections to certain parganas, he should say so. I wish also to point out that it is not very easy for one man to ask for the whole province an extension of the provisions by an executive order of the Governor in Council. I think he has brought out nothing in his arguments which he stated before this House in support of his contention. He has not informed us as to how many meetings he held in those parganas, what are the views of the people there, whether they want the extension of these powers or not. The

honourable member for Kheri is not the representative of only one party; he represents in this House zamindars, tenants, as well as the people of Kheri generally. He should have considered the clashing interests—interests do clash in connection with tenantry laws—he should have considered all the interests, he should have consulted all the parties before bringing in this resolution. I therefore submit that the resolution as it stands before the House and as is evident from the arguments of the honourable mover is ambiguous. If he wants an extension of, I may repeat, the sections to certain parganas, he should be explicit and put up his case accordingly. If on the other hand he wants that all the sections should be extended to all the areas in all the clauses, then he should say so and instead of a resolution he should bring in an amending Bill, although I may warn the honourable member that while trying to amend a Bill like the Oudh Rent Act he will be treading over delicate ground.

With these observations I would ask the honourable mover to withdraw the resolution and consider the matter before bringing it again. If he does not, I am sorry I am not in a position to congratulate him for bringing this resolution and will strongly oppose it.

The Hon'ble Mr. S. P. O'Donnell: I think the Council will have no difficulty in realizing that this resolution is entirely impracticable. Sections 4, 36, 46, and 48 are those sections which confer statutory rights on tenants. That is under these sections we establish a system of land tenure which is only possible in areas where there is stable cultivation. That is why in the original Act provision was made for excluding those areas where cultivation was of a precarious and shifting character, and that provision has been repeated in the present Act. The areas at present excluded have not been recently excluded—they were excluded before the passing of the Oudh Rent Act of 1921 and the reasons for which they were then excluded still hold good. I will take the various items one by one. First the parganas of Nighasan, Palia, and Khairagarh now as the honourable mover pointed out at one time other parganas were also excluded. Those are not excluded at present because conditions have changed in them and cultivation is now stable and the fact that they are not excluded is conclusive proof that Government are not in the least opposed to extending sections 4, 36, etc., as soon as conditions permit. The Oudh Rent Act, 1886, was initiated by Government, and the recent Act was also introduced by Government. Therefore it would be entirely consistent with the policy of Government to extend these sections wherever it is possible to do so. The fact, however, is that in these particular areas extension is impracticable. These parganas are still very unhealthy and cultivation is very precarious. The honourable mover denies that. Well, I must beg to differ from him. I called for a report from the Commissioner on the subject and he and the Deputy Commissioner both report that in these parganas the cultivation is not stable. The figures which the mover himself gave seem to bear out that contention. At any rate there is nothing in his figures which is in the least inconsistent with my view. If I followed him correctly his figures show that only one-third of the total area is cultivated. Of course there may be other parganas in which the proportion is the same or even smaller. The proportion depends on various factors. But, at any rate, there is nothing in the figures he gave which is inconsistent with the report of the Deputy Commissioner. On the contrary his figures *prima facie* suggest that cultivation is precarious and

[The Hon'ble Mr. S. P. O'Donnell.]

it is quite impossible to apply the statutory system to an area of that kind.

Rai Bahadur Lala Sita Ram : Is the precarious state of the cultivation likely to be affected by the application of the sections?

The Hon'ble Mr. S. P. O'Donnell : The point is that cultivation there is precarious and you cannot apply the ordinary system of land tenure in Oudh unless cultivation is fairly stable. The honourable mover said landlords in this particular area illtreat their tenants. I do not believe that, for the simple reason that in this tract land is abundant. As the Deputy Commissioner has reported, if the tenant is oppressed he has only to go elsewhere and take up by another. In these circumstances it is really impossible for landlords to illtreat tenants. I know nothing of the cases in which notices of ejectment were served, but I have no doubt that in the cases in which they were issued by the Court of Wards there were good reasons for doing so. The figures given by me in answer to a question do not suggest that the rent has been enhanced unfairly or powers have been unfairly exercised on a large scale by landlords in this area.

The next item is alluvial mahals. Rai Bahadur Thakur Mashal Singh dealt sufficiently with these mahals. It is not possible where cultivation depends on river action to apply the statutory system. The third item is land under the waste land rules. The reason that land was excluded is very clearly given in the edition of the Oudh Rent Act by Mr. Mata Prasad Saksena and Maharaj Narayan :—"The conditions on which waste land grants whether granted on lease or in perpetuity were made by the Government, are special. In waste grants the grantee is under an engagement to bring specified area under cultivation within a specified period; and the grants in perpetuity were also made upon the anticipation of a similar gradual extension of cultivation. In such circumstances, to place any statutory restrictions upon the power of the grantee to deal freely with the tenants whom he may have induced to settle upon the land, might be tantamount to a subsequent alteration of the original terms of the contract entered into between the grantee and the Government, might hinder the breaking up of land, and might impose upon the grantee unforeseen embarrassment in the fulfilment of his engagements." We have, as a matter of fact taken advice, and we are advised that to introduce statutory system under such conditions would be tantamount to an alteration of the terms of the contract. There is no reason to suppose that grantees abuse their position. It is not in their power to do so. The demand is not for land but for tenants.

The fourth item is lands set apart for military camping grounds. I find it difficult to take seriously the suggestion that statutory rights should be conferred in military camping grounds.

The fifth item is land situated in cantonments. Obviously all land in cantonments as also all land in urban areas is land which is potentially building land—it may be at any time required for building houses or other structures; and it is impossible therefore to allow statutory rights on land of this kind.

The last item is land within railway bounds. This again is a suggestion which I find it difficult to take seriously. The railway companies and state railways take up only such land as is required only for railway purposes. If there are a few acres let out for cultivation, the leases

can only be short-term leases, for at any moment the land may be required by the railway for their own purposes. I hope, Sir, I have said sufficient to show that there is no case whatever for these proposals.

Khan Bahadur Maulvi Fasih-ud-din: I do not belong to Oudh, but as an impartial spectator I want to say a few words in connection with this debate. I think that, if it is true that this land is precarious, if it is true that the cultivation is unstable, if it is true, as I hope it is true, because both parties seem to have admitted it, that it pays only one anna in the bigha, I think it would be difficult, it would be impossible, nay it would be absurd, to enforce the provisions of the Rent Act to land like this. Let us examine the situation a little more minutely. We all know that in a precarious land no tenant would care to cultivate it for any length of time. Supposing after some time the tenant wants to give it up. If he happens to be a statutory tenant the zamindar can force him to continue to cultivate the land. The only option left to him would be to shift to another village, or more preferably to a near by one. And then say after two or three years the tenant takes it into his head to come back and re cultivate the land. There will be litigation—a crop of litigation. The tenant might say he never abandoned the land and only made arrangements with the actual possessor of land for cultivating it on his behalf. The zamindar will come forward with a different story and there will be any amount of litigation over that matter. Now, take another case. The land of the tenant in the precarious tract deteriorates,—and oftener than not it is subject to deterioration,—and he wants his rent to be reduced. He has to wait for ten years for the roster year before he can get the rent reduced. He cannot abandon the land because he is a life-tenant. What will be the condition of the tenant? Either he has to leave the village altogether or allow his family to be ruined. This is the situation. I think it goes without saying—and nobody can deny it—that in a precarious tract it is impossible for any tenant to hold his land on conditions which are laid down in the Oudh Rent Act. And this is the principle which I want to enunciate. I do not know actually what the real conditions are. But if they are such as are described I think it will be preposterous to extend the operation of these sections to those areas.

Babu Sita Ram: Various points have been raised in opposition to my resolution both by the Hon'ble the Finance Member and by members representing the landlord community.

Rai Bahadur Thakur Mashal Singh: I represent both the zamindars and tenant, not only the zamindars.

Babu Sita Ram: Thank you for this correction. Khan Bahadur Maulvi Fasih-ud-din has opposed my resolution on general grounds. But if I am able to satisfy the honourable member for Budaun that so far as classes (1) and (3) of Schedule D are concerned the cultivation is not precarious and the tenants are at the mercy of the landlords, then, I hope, he would extend his support to this resolution. I gave figures in my opening speech regarding the parganas situated in tahsil Nighasan, Khairigarh, and Palia and those figures show that cultivation in those parganas is not precarious, rather it is certain. I have given you figures from 1311 down to the present year and those figures show that in pargana Nighasan the average cultivated area of 62,000 acres has been going on from 1311 up till now. Similarly, in pargana Khairigarh the average cultivated area of 40,000 acres has been going on from 1311 up till now and in

[Babu Sita Ram.]

pargana Palia the cultivated area of 9,000 acres has been going on from 1811 up to now. It is true that not a very large percentage of land is under cultivation; but that is due to the fact that the land is situated near forests, but the area that is cultivated has been maintained, and the same tenants or their representatives have been cultivating the land. Can you call this sort of cultivation precarious cultivation? A certain amount of cultivation has been carried on from 1811 down to the present year, and my impression is that you cannot call this cultivation precarious cultivation and that the tenants are leaving their fields and going to other fields. If tenants have been cultivating these lands on thirty years' settlement not five years' settlement, and in the same way as in other parganas, I fail to see why they should be deprived of these rights. So far as clause (3) is concerned, I mean land granted under waste land rules, the Hon'ble the Finance Member read from the book of Babu Mata Prasad regarding the conditions why the rights given by this section should not be given to the tenants cultivating the lands. Babu Mata Prasad has quoted from the report of the select committee on the Bill of 1886 which was kindly supplied to me by the Hon'ble the Finance Member himself. But that report is about the state of things that existed in 1886. Now, about thirty-eight years have passed since that time. My impression is that the waste land grants were given at the time when the British Government occupied the province of Oudh after the mutiny to those persons who had rendered loyal services to the Government. Only very few grants have been given after that period. These lands were given more than sixty years ago and they have been brought under cultivation. The rents have gone up to two rupees per bigha and sometimes more when they are fully cultivated like other tracts. My humble submission is that the tenants of these lands should be given the protection of the law. Raja Jagannath Bakhsh Singh raised an objection against my resolution which, I am sorry to say, I have not been able to follow. His contention is that I should bring in a Bill for the amendment of the Oudh Rent Act and that the remedy which I want to seek cannot be extended by the executive order of the Governor in Council. In this connection I should like to draw his attention to section 157 whereby the provisions of the section could be extended to the areas specified in schedule (d) by an order of the Governor in Council by making a notification in the local official Gazette. When there is a provision in the law itself and the order of the executive Government is only required to give effect to this provision, a new Bill is not at all necessary to give effect to the remedy.

Raja Jagannath Bakhsh Singh : Is it not striking out schedule D?

Babu Sita Ram : Well, section 157 says that the Governor in Council may extend the provisions of these sections to any of the areas mentioned in clause (d). At present I do not want to press my resolution so far as clauses (2), (4), and (5) are concerned, i.e., I do not want that the provisions of sections 4 and 36 to 46 and 48 should be extended to alluvial mahals or to lands set apart for military camping grounds, or lands situated within the limits of any cantonment. I confine myself to clauses (1) and (3), i.e., lands situated in parganas Palia, Khairigarh, and Nighasan and lands heretofore or hereafter granted under the waste land rules. My humble submission is that cultivation in this land is not precarious: it is certain that the tenants are liable to be oppressed and are being oppressed.

Why were seven notices of ejectment issued by the Court of Wards and sixty notices by the zamindars if the land is not valuable? This shows that the land is valuable and the tenants are at the mercy of landlords. Therefore my submission is that the tenants should be protected and the provisions of these sections should be extended to these parganas. This will be nothing more than what have been given to the tenants throughout the province of Oudh.

The resolution was put to vote and the Council divided as below :—

Ayes (25).

Babu Narayan Prasad Arora.
 Babu Sangam Lal.
 Babu Mohan Lal Saksena.
 Babu Damodar Das.
 Babu Bhagwati Sahai Bedar.
 Thakur Manjit Singh Rathor.
 Pandit Nanda Chand.
 Thakur Shibi Narayan Singh.
 Babu Nemi Saran.
 Chaudhri Badan Singh.
 Thakur Sadho Singh.
 Pandit Brijnandan Prasad Misra.
 Pandit Bhagwat Narayan Bhargava.

Pandit Jhanni Lal Pande.
 Pandit Sri Krishna Dutt Paliwal.
 Babu Prasad Narayan Anad.
 Pandit Yajna Narayan Upadhy.
 Pandit Govind Ballabh Pant.
 Pandit Hargovind Pant.
 Mr. Mukandi Lal.
 Babu Ram Chandra Sinha.
 Babu Sita Ram.
 Thakur Hukum Singh.
 Dr. Muhammad Naim Ansari.
 Maulvi Zahur-ud-din.

Noes (49).

The Hon'ble Mr. S. P. O'Donnell.
 The Hon'ble Raja Sir Muhammad Ali
 Muhammad Khan, Khan Bahadur.
 The Hon'ble Lieut. Nawab Muhammad
 Ahmad Sa'id Khan.
 The Hon'ble Rai Rajeshwar Bali.
 Mr. G. B. Lambert.
 Mr. E. A. H. Blunt.
 Kunwar Jagdish Prasad.
 Mr. G. B. F. Muir.
 Mr. A. C. Verrières.
 Mr. C. E. D. Peters.
 Mr. J. R. W. Bennett.
 Mr. S. H. Fremantle.
 Mr. R. Burn.
 Mr. W. S. Cassels.
 Mr. C. M. King.
 Mr. F. F. R. Channer.
 Colonel A. W. R. Cochrane.
 Mr. A. H. Mackenzie.
 Mr. G. Clarke.
 Raja Muhammad E'jaz Rasul Khan.
 Rai Bahadur Lala Sita Ram.
 Rai Jagdish Prasad Sahib.
 Chaudhri Jaswant Singh.
 Lala Babu Lal.

Rai Bahadur Babu Ram Nath Bhargava.
 Chaudhri Sardar Singh.
 Lieut. Raja Durga Narayan Singh.
 Raja Sri Krishna Dutt Dube.
 Rai Bahadur Thakur Mashal Singh.
 Kunwar Surendra Pratap Sahi.
 Mr. Muhammad Aslam Saifi.
 Rao Abdul Hameed Khan.
 Lieut. Nawab Jamshed Ali Khan.
 Khan Bahadur Chaudhri Amir Hasan Khan.
 Maulvi Obaid-ur-Rahman Khan.
 Hafiz Hidayat Husain.
 Maulvi Abdul Hakim.
 Saiyid Muhammad Ashiq Husain.
 Khan Bahadur Maulvi Fasih-ud-din.
 Khan Bahadur Hakim Mahbub Ali Khan.
 Mr. Ashiq Husain Mirza.
 Khan Sahib Munshi Siddiq Ahmad.
 Raja Saiyid Ahmad Ali Khan Alvi.
 Khan Bahadur Chaudhri Muhammad
 Rashid-ud-din Ashraf.
 Shaikh Abdus Samad Ansari.
 Lala Mathura Prasad Mehrotra.
 Raja Shambhu Dayal.
 Lieut. Shaikh Imtiaz Rasul Khan.
 Raja Jagannath Bakhsh Singh.

The resolution was accordinally negatived.

RESOLUTION *re* INSTRUCTION IN SOCIAL SERVICE.

Babu Ram Chandra Sinha : As resolution No. 4 standing in the name of Babu Nemi Saran is more important than mine, I do not wish to move the resolution standing in my name.

The resolution was—

That this Council recommends to the Government to make arrangements to give instruction and lessons in social service and nationalism in all Government and aided institutions, so as to instil in the rising generation love of country and freedom and to equip them with a true spirit of public service.

The resolution was accordingly withdrawn.

RESOLUTION *RE* HONORARY OFFICERS.

Babu Nemi Saran : Sir, I beg to move—

“That this Council recommends to the Government—

- (a) that the system of conferring honorary judicial powers on individuals be forthwith stopped ;
- (b) that the following method be adopted for recruiting honorary magistrates, munsifs, and assistant collectors in the province :—
 - (1) a Selection Board consisting of (1) District Judge (Chairman), (2) District Magistrate, (3) Chairman of the district board, (4) Chairmen of all the municipalities in the district, (5) M. L. O's. representing rural as well as urban constituencies of the district, be constituted in every district ;
 - (2) this board shall recommend annually (by a majority of votes of the members present) a panel of persons of the district to be invested with such honorary judicial powers as the board may recommend in each case ;
 - (3) the chairman shall communicate these recommendations to the Governor in Council who may (when necessary) choose any person out of the recommended panel to be invested with such honorary powers as may have been recommended by the board in the case of such individual ;
 - (4) no person shall be allowed to retain these honorary powers for a longer period than five years unless the board unanimously recommends otherwise, and
- (c) that the cases of persons already holding such powers shall be considered by the board in due course after the expiry of their terms.”

I should apologize to the Council for the length of my resolution, but under the circumstances it was unavoidable. As the House is already aware, the question of honorary magistrates has come before this House as well as the previous House many times. So early as the 6th April, 1921, i.e., in the first year of the reformed Council, the question of these honorary magistrates was raised. At that time Chaudhri Mukhtar Singh, the then member, asked certain questions in which he alleged abuses of powers by the honorary magistrates. The Government as usual denied any knowledge of such abuses and asserted that these honorary magistrates were as virtuous as they could be expected to be. But, Sir, if you go through the proceedings of the Council for the last four years you will find that this question has taken rather a serious turn, as more and more honourable members have been forced to bring these grievances before the House. There were a series of questions put by the then honourable members, Babu Chhail Bihari Kapur and Dr. Ranjit Singh, but the Government always evaded the questions and never gave satisfactory replies. The Government always said either that the matter was under consideration or that no inquiry was needed. Sir, it may behove the Government which is sitting aloof from the public and which has got nothing to do with the public opinion to say so, but it does not behove the members who are in this House because of the votes that they have received from their constituencies to say that they have got nothing to do with these grievances. The grievances against these office-holders are not only urgent and of huge dimensions but they are simply a nuisance to the society. Sir, it may be said that according to the resolution of Dr. Ranjit Singh which was passed by the Council the Government have already issued instructions to the Commissioners and the choice of these honorary magistrates. As to this the Council is unwilling to believe that this is the case, or that the magistrates do not, as a rule, satisfy themselves of the real fitness of those whom they propose for appointment.” Further on, However, it says :—“At the same time the views expressed in the course of

the two debates cannot be ignored." Here, I may also draw the attention of the House to the views expressed by Major Ranjit Singh in regard to honorary magistrates referred to in the order. He said: "I have not the slightest objection if the Government were to award prizes for services rendered by giving sanads, titles, swords, sticks, watches, khandans, etc., but when it comes to this that these posts are sometimes held by people who are unfortunately not possessed of ordinary common sense and who by no means can be expected to understand the ordinary laws of the land, I think it is certainly going too far." Proceeding, he says:—"I think I am not stating a false thing if I say that, in some districts at least, these posts have been given to the people who belong to the party of 'jo huzurs,' who are vying with each other in showing ultra loyalty to the magistrates, and thus secure a place of honour from their point of view." In replying to the debate Major Ranjit Singh said: "And as regards consulting Commissioners and Collectors I beg to add again that I seek redress from these very men's appointments when I have accepted the amendment that the public should be taken into confidence and consulted. I hope it will be the representatives of such bodies as the district boards or the municipal boards or the advisory boards, when they come into existence, who will be consulted prior to the appointments." It will interest the Council to hear what Rai Bahadur Thakur Mashal Singh has to say on the subject. In the debate in December, 1922, he said:—"Now you see a mukhtar who cannot even earn Rs. 2 per diem, is appointed an honorary magistrate, and what is the result? He purchases a motor car with the money that he gets in bribes. I think the discretion which is exercised at present in the appointment of honorary magistrates is simply deplorable." Pandit Gokaran Nath Misra in the same debate gave an example of a person who was proceeded against under the badmashi sections of the Criminal Procedure Code, but who was subsequently appointed an honorary magistrate. These are then the opinions of certain members of the late Council. I shall now revert for a moment to the order that I have just quoted in which it is stated that while the Governor in Council is unwilling to believe that "this is the case," he cannot "at the same time ignore the views" that I have already placed before the House. I for one am unable to understand these two contradictory statements. The Government may be able to reconcile them. Of late the situation as regards honorary office-holders has become very acute, and it requires prompt attention. In reply to a certain question in the Council I remember it was stated that the power of appointment rested with the Government and so it was unnecessary to issue any orders to Commissioners on the subject. In practice, however, I can say that it is the district magistrate who is responsible for the appointment of honorary magistrates. There is no doubt that in the opinion of the Government these members of the heaven-born service are beyond reproach, but certainly they do not enjoy the confidence of the public. I can say, without fear of contradiction, that there has been a great misuse of power on the part of honorary magistrates. Similar is the case with district officials, who have robbed the independence of many a man by offering him the temptation of honorary magistracy. I wonder whether those honourable members who also happen to be honorary magistrates will share with me the opinion that generally speaking these honorary magistrates use their powers to the detriment of the interests of the people, whose confidence according to the Government they are expected to enjoy. I need not

[Babu Nemi Saran.]

repeat that the conferment of these honorary powers on these officers are expected or are taken to be as the prize for ultra loyalty. I may be excused to refer to a certain case of one of the honourable members of this House and I refer to the case of my honourable friend Rai Bahadur Lala Sita Ram. He had the privilege of having all these powers. He was asked, I do not know under what circumstances, perhaps in the Rowlatt Act days, either to apologize or he was told that his powers would be withdrawn. I do not know what really happened, but I have come to know that these powers were withdrawn, as Rai Bahadur Lala Sita Ram did not think it up to his honour to apologize, but he very easily gave these powers back to the Government. This is one of the many glaring examples, which I shall be very glad to give if anyone will inquire privately, where men have been subjected to all sorts of demoralization in order to retain these powers. Sir, I do not make any allegations against any individual officer, or any individual magistrate, but these are the allegations which apply to all generally. There may be certain honourable exceptions, but generally the facts stand as I have already told you. My objection to all this is that the agency of the district magistrate should not be employed in recruiting these honorary officers. The district magistrate who has got the charge of a district and who has got executive powers has already got the executive bias. He has also got these weaknesses which a human being has got. After all they are men. However heaven-born they may be, they have all that human beings have got and as such they are apt to be led away by those sentiments and by those urgencies of the situation which the responsibilities of an executive office brings upon them. My resolution provides a certain agency or rather it has substituted the district magistrate by a committee and I think that this selection board as I would call it will represent not only the views of the officials and of the Government, as already the district judge and the district magistrate are there, but it will also get the opinion of the public through the chairman and the M. L. C's. who are the elected people of the district or of the urban area as the case may be. Therefore my first clause regarding the appointment of a selection board, I think, will be acceptable to the whole House, including the Government. As I have said, and I may again repeat, the resolution is not a Swarajist resolution. It is to a certain extent a co-operator-like resolution. I was forced to move it by the exigencies of the situation. I was compelled by these exigencies to do this. I have received complaints from many people of my constituency, from respectable men and from the masses. Many cultivators and zamindars came to me and they have told me exactly what the situation is about these men and how they exercise their powers. In support of my contention I wish to draw the attention of this House to the report of the Allahabad High Court in the criminal statement of 1922. The statement is thus:—

... and Ballia districts certain benches proved themselves and incompetent that it was found necessary to close them. The District Magistrate of Basti complains that rural honorary magistrates show a tendency to misuse means of putting pressure on their tenants. In Moradabad District Magistrate while making an honourable exception of the ... reports that the work of other benches is of poor

quality and is characterized by irresolution and delay and wrongheadedness and that they do not enjoy the confidence of the public. What little work they take off the shoulders of the stipendiary magistrate is more or less cancelled by the extra supervision they require and that a stipendiary first class magistrate armed with summary powers would do all their work in half the time. These are strong criticisms though perhaps deserved."

I may also be allowed to read from the Oudh Judicial Commissioner's report—

"The District Magistrate of Sitapur remarks :—'Honorary magistrates and benches are exasperatingly irregular in attendance and it is a wonder that the patient public tolerates them. Twenty-eight honorary magistrates did no work during the year. These include eight who have done no work since 1919, four since 1920, and six since 1921.'

I need not go through the reports of the previous years, but I have referred to the report of 1922. I have not the report for 1923. I do not know what it contains, but I think it must be containing something like that. With these pronouncements before us I do not see any reason why the Government should not conscientiously confess before this House that these magistrates have failed to do their duty and that the way in which these honorary magistrates are recruited is at fault. I think the Government will not take the courage, but the facts are there and it cannot deny them. Then, Sir, in reply to a question the Government has said that such men are only appointed as office-bearers who enjoy the confidence of the public. Had it been so, I would have been the last man to bring forward this resolution. I most responsibly accuse the Government of the fact that it is loath to take to task its subordinates and its officials when things are brought to its notice which are quite irregular and illegal. Sir, these honorary magistrates are those officers who have, in spite of all the grievances of the public which were brought to the notice of the Government through the Council since 1921, received no strict orders, have received no serious warning from the Government. Perhaps there might have been an official warning and it may not be known to me. It is all due to the same fetish of prestige. The Government cannot bear the idea that on a non-official criticism it should take any steps against its officials. Therefore to guard against such things in future, I have provided for a committee consisting of M. L. C's., chairmen of district and municipal boards in the district, and of the District Magistrate. It will be evident that this is a committee fully representative of the public and the public will have no grievance against the men selected by this Board. Clauses (2) and (3) of my resolution recommend some sort of working arrangement of the Board and clause (4) says :—

"No person shall be allowed to retain these honorary powers for a longer period than five years unless the Board unanimously recommends otherwise."

I have after careful consideration and deliberation put this clause here in the resolution. I mean to point out by this clause to those persons who already hold honorary offices, that they should also be conscious of the fact that they are not the masters of the situation for their lives and that they cannot dare to be irresponsible to the public so long as they want to hold those powers. They will have to maintain the confidence of the public if they really want that they should hold honorary offices any longer. It has been the practice that people are often appointed honorary magistrates

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for their lives. I do not see any reason why it should be so. There are times when a certain man may be of use and may enjoy the confidence of the public and there are times when he forfeits it. There was a time when many of the present *swarajist* members were co-operating with Government and there was a time when they went to jail and they have now come to the Councils. Therefore to guard against changes in a man and his views, it is very necessary that a certain time limit should be fixed during which they should hold office and if they are given those powers again, it should be only with the unanimity of the Selection Board. If they have not been able to satisfy the Selection Board by their work, they have no justification to continue to hold office. Part (c) of my resolution says that the cases of persons already holding such powers shall be considered by the Board in due course after the expiry of their terms. As a matter of fact I was tempted to put instead of this clause a clause that as soon as the Selection Board was constituted, the cases of persons who held honorary offices should be brought before the Board for investigation. On consideration I thought that it would be too glaring to the eye of the Government and a little co-operator-like mentality prevailed upon me at that time and I made my resolution as far as possible acceptable to the Government. I think the present honorary magistrates in a majority of cases are not acceptable to the public. At least as far as my district is concerned, I can authoritatively say this.

Babū Damodar Das : This is the case in every district.

Babu Nemi Saran : I would point out that in the palmy days of non-co-operation in 1921 many men were selected for these honorary offices simply because they opposed this movement in some way or the other. No qualification was so essential as the opposition to this movement. I know of many instances in which people desirous of these offices have spent money in inducing newspapers to write things against them and in asking people to pass votes of censure on them, not only that but votes of kaffirism and all sorts of nonsense . . . simply to bring these facts before the Collector and then to say :—"Now, Sir, we have come over to the Government ; we have acted with the Government in defiance of public opinion ; now the public is throwing us away ; where are we to rest ? Either give us some power or we are nowhere." All these powers which the Government had quite at hand were easily taken out and given to those power-hunters and they were satisfied. If on these facts the Government says that it wants only those people who enjoy the confidence of the public, then it is absolutely wrong. Government wants only those people who should, when time comes, support it in every action, whether right or wrong. The Government by using this power wants to make a fortress around it in order to defend itself and to safeguard itself against the attacks of public opinion. I think my honourable friends sitting opposite are very well appreciating this idea because I know it lies in their hearts.

I have dealt with all the clauses of my resolution. The resolution which I have put before the House is of urgent necessity, of public importance, and for the welfare not only of a certain district but of the whole province and, if I may say so, it has been brought to preserve the fair name of British justice.

The Deputy President : The honourable member must conclude his speech now.

Babu Nemi Saran : I will not tax the patience of the House any more but will resume my seat by saying that the resolution may be accepted with some of the modifications which the House may consider necessary ; but the spirit underlying this resolution is very necessary for the good name of the province.

Hafiz Hidayat Husain : I think the Government will be glad to find that this resolution, coming as it does from one of the *swarajist* members, betoken a spirit of co-operation which I hope will be welcome to the Government. The spirit of the resolution should commend itself to the Government. The undoubted fact is that with economy all round the number of paid officers is decreasing and therefore the number of honorary officers must necessarily increase, more particularly for the reason that the Government must push forward the work of initiating the public into the task of administration of justice.

The administration of justice, I think, will for ever remain as one of the great achievements of British rule in India and it is only fair to ask that scrupulous regard should be paid to the selection of persons required for the administration of justice and that the presence of all those qualities are insisted upon which go to make a person fit for holding such a position. I think, Sir, that of all countries this country alone is one in which qualification in making honorary appointments are not always properly considered. I suppose in England, if I am correct, nobody can be appointed a Justice of the Peace or an honorary office-holder unless he has been called to the bar.

Mr. S. H. Fremantle : That is not the case at present.

Hafiz Hidayat Husain : That was the position in 1904 ; I do not know what it is now. In any case I do think that the qualifications required in England are far higher than they are in this country. Although I admit that it is not always very easy to find fit persons in this country who will take up honorary work, yet I do think that the fault does not lie in all cases with them because there is sometimes so much interference in the manner of their performance of duties that no self-respecting gentlemen would probably like to take up this honorary work. During the last session I put a question regarding the appointment of honorary assistant collectors in the Fatehpur district and I was informed that honesty and general efficiency were the tests that were applied. I will mention an instance, though I will not disclose the name. A gentleman who was appointed an honorary assistant collector was convicted several times, but he was appointed simply because he succeeded in securing the good offices of the Collector. In my opinion things like these should be avoided not only because they do not inspire confidence, but because they always create disgust and hatred in the minds of the people whose cases these honorary officers are required to adjudicate. I know also of instances in which honorary assistant collectors have as a matter of practice levied illegal gratifications from persons whose cases were heard in their courts. If you appoint a man who is not above board, whose antecedents are so notorious, you cannot expect better conduct from him than what I have stated. I think the demand that my friend Babu Nemi Saran has made in clause (1), clause (4), and clause (c) of his resolution can easily be accepted by the Government. He wants a Selection Board consisting of the District Judge, the District Magistrate,

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members of the Legislative Council, and the chairmen of the district and municipal boards. They are men who possess the confidence of the public and are in a position to judge whether a man is fit to hold an honorary office or not. The last clause is also reasonable because it will give the Board an opportunity to consider whether the persons already holding such powers whose terms have expired are fit to be granted a further tenure of office or not.

It cannot be denied that the task of these gentlemen is responsible and sometimes onerous, but it is only by a judicious selection of them, and by the application of the process of elimination of the undesirable element in them, that confidence in the work of honorary office-holders can be created and maintained. I support the spirit of the resolution.

Rai Bahadur Thakur Mashal Singh: I beg to move the following amendment :—

(1) *Delete* clause (a) entirely and *substitute* the following in its place :—

“(a) That the present method of nominations by the Collector of individuals for the appointment as honorary magistrates, honorary munsifs, and honorary assistant collectors in the province, be so amended as to enable the people of the locality affected by such appointment to give expression to any objections that they may have against the proposed appointment.”

(2) In clause (b) *delete* the letter (b) and the sentence following it, namely; the sentence beginning with the word ‘that’ and ending with the word ‘province.’

(3) *Re-number* sub-clause (1) of clause (b) as clause (b).

(4) *Delete* the phrase ‘a Selection’ before the word ‘Board’ in the first line of the re-numbered clause (b) and *add* the following sentence before the aforesaid word ‘board’ :—

“With a view to ensure the appointment of really capable and honest men for such posts, only such of the nominations made by the Collector should be forwarded as have been approved either unanimously or by a majority of votes of an Advisory Board.”

(5) *Strike off* the word ‘Chairman’ in brackets *after* the word ‘Judge’ in the second and third lines of the re-numbered clause (b).

(6) *Delete* the entire sentence *after* the figures ‘(5)’ in the re-numbered clause (b) from the word ‘M. L. C’s.’ to the word ‘district’ and *substitute* the following in its place :—

“(5) All M. L. C’s residing in the district.”

(7) *Add* the following at the end of the re-numbered clause (b) :—

“With the District Magistrate as its Chairman.”

(8) *Add* the following proviso to clause (b) :—

“Provided that no nominations of the Collector shall be considered by the Advisory Board until the people of the locality affected by such

appointments have had at least three months' time to make any representations to the Board that they may think necessary in their interests."

- (9) *Delete* sub-clauses 2 and 3 of clause (b).
- (10) *Re-number* sub-clause (4) of clause (b) as clause (c).
- (11) *Re-number* clause (c) as clause (d).

The resolution as amended would read as follows:—

That this Council recommends to the Government—

- (a) that the present method of nominations by the Collector of individuals for the appointment as honorary magistrates, honorary munsifs, and honorary assistant collectors in the province, be so amended as to enable the people of the locality affected by such appointment to give expression to any objections that they may have against the proposed appointment;
- (b) with a view to ensure the appointment of really capable and honest men for such posts, only such of the nominations made by the Collector should be forwarded as have been approved either unanimously or by a majority of votes of an Advisory Board consisting of (1) District Judge, (2) District Magistrate, (3) Chairman of the district board, (4) Chairmen of all the municipalities in the district, (5) all M. L. C's residing in the district, with the District Magistrate as its Chairman:

Provided that no nominations of the Collector shall be considered by the Advisory Board until the people of the locality affected by such appointments have had at least three months' time to make any representations to the Board that they may think necessary in their interests.

- (c) No person shall be allowed to retain these honorary powers for a longer period than five years unless the Board unanimously recommends otherwise, and,
- (d) that the cases of persons already holding such powers shall be considered by the Board in due course after the expiry of of their terms.

The resolution seeks to subject the hitherto unfettered powers of the Collector to some restrictions and limitations. The consistency with which the matter has been brought over and over again before the Council by means of questions and resolutions ought to convince the Government that the present system of nomination by the Collector and appointment by the Government behind the back of public opinion does not meet with the approval of the public. It is a great and just grievance of the public and it has come to be believed—not without reason—that the Collector does not nominate men whom he thinks best fitted for the work or on account of their social status and reputation for integrity and common-sense, but he nominates such persons as have managed to please him, and he nominates them because he thinks they are entitled to some compensation in the shape of honorary judicial powers. Well, the public feel strongly that there must be some limitations put upon this arbitrary power of the Collectors. We the non-official members no doubt wish that the official agency must be relieved to some extent by non-official agency in the administration of justice. We are not against the appointment of honorary

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magistrates or honorary assistant collectors, but in the present system the fact is that unscrupulous and dishonest people can secure the appointments and get into this office. And I should say these honest and straightforward men who are exercising their powers conscientiously think it derogatory to their position alongside the dishonest people. Still these men of no status succeed in getting appointed. There are men who have been convicted under section 110, Criminal Procedure Code, that are exercising the powers of honorary magistrates. Is it fair? I can cite instances if there be any doubt as to what I say. There was a case in the Lucknow district that a man who was convicted under section 110 was appointed subsequently an honorary magistrate and if inquiry is made it will be found still that there are such instances.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : In what year?

Rai Bahadur Thakur Mashal Singh : I cannot tell the year but I know he was appointed in the *régime* of Sir Harcourt Butler. I can produce the authentic copy.

Voices of--Before the Reforms?

Rai Bahadur Thakur Mashal Singh : I cannot say that.

Well, this matter has been discussed on several occasions in this House and the Government felt the necessity of issuing certain instructions to Commissioners that men of social status and established reputation and integrity should be appointed to these posts. Now, it is the duty of the Government to look whether these instructions have been acted upon by the Deputy Commissioners. This is the only thing. If your District Magistrates have complied with your instructions I will withdraw my amendment and I want no amendment in the rules, they can continue to exercise unfettered powers, but if not then certainly it is a very strong case for the non-officials to press this resolution and it must be passed. Well, I will show you by facts and figures—a man was recommended for the powers of an assistant collector in 1923 by the District Officer of Hardoi. Some questions were put by Pandit Gokaran Nath Misra, who was then the member for Lucknow, about the social position of that man. He was an ex-sub-inspector of police and he had resigned his post under certain circumstances which show that the place was too hot to hold him. When the questions were put at first it was said he possessed all the qualifications and Government was not going to send even for his character-roll, but subsequently the character-roll of the gentleman was sent for and looked into and since there were valid reasons for rejecting the nomination, the nomination was not granted and the man was not appointed assistant collector. Subsequently in the next year again the collector nominated him or at the instance of that Collector, he was led for these powers. Certainly I sent some questions on the subject to the Council and the result was that the recommendation was not accepted. Then again he was recommended, and it was suggested that, for some of the villages and the villages of the Katari estate from his jurisdiction the rest of the parganas he may be appointed assistant collector. If he is bad he is bad for every village. It is not a question of his

being appointed to a certain area if he is for certain known reasons disqualified for exercising those powers. By saying this I do not imply that Government is always anxious to appoint bad people. From my personal experience I would rather say that the present Finance Member is always ready to hear us if there is a valid case and he is not anxious to appoint bad people. But what I say is that the public do not know on what grounds the recommendation of the Collector is based. Behind their back the nomination is made and a notification appears in the Gazette that such and such a person has been invested with such and such powers. The public do not know when and why the Collector nominated him. How then can a representation be made to Government on the matter? I know the Government is anxious to see that only good men come in; but the men on the spot do not often care. In the case to which I have just referred there is a judicial finding against the man. It is in a judgment delivered by the Collector of Farrukhabad. It is said:—"I discard the claim of Ausan Singh, Surjan Singh, and Jadunandan Singh who seem to have won over Musammat Jaswant Kuwar and manufactured the deed of will with her assistance and the assistance of some old servants of Ram Singh." You will see, Sir, that a man who is said to have manufactured a will was recommended by the Collector, not once but thrice. Once he was recommended by the Collector, but the recommendation was rejected. Again he recommended him, and again it was rejected. A third time he was recommended and the Commissioner said that he would see that the recommendation was accepted. The instructions conveyed by Government to the Commissioners and District Magistrates are repeatedly disregarded in this way. What can be expected from these magistrates? I simply want to introduce an advisory board, not vetoing the Collector, who has still the power to nominate a man. We are not divesting him of the power. We want to introduce between the Collector and the Government, who is the final authority, an advisory board, who are to be recruited from among the people of the district, such as municipal chairmen, district board chairman, and members of the Legislative Council. It will also consist of the Judge and the Collector: the latter will be the President of that board. In that case these people who will come from various localities will be fully acquainted with all shades of public opinion of those localities and as the members will be selected from among the people themselves every member of the board will be accessible to those who have any objections to make. By this means I think Government will be stronger in defending themselves and their Collectors and the unjust criticism made against Government will be nullified. Incidentally, we the members of Council will also be saved some of the responsibility which rests on our shoulders. We simply want that some time should be allowed to elapse between the recommendation of the Collector and the final approval by the advisory board so that the men who are affected by the appointment may have time to make any objection to the Government or to the Advisory Board. It is a simple thing that we want. We do not want to divest the District Magistrates of their power; we do not want to take away the power of nomination from their hands; nor do we want that that power should be solely given to the Selection Board as suggested by the mover of the resolution, because I think this remedy of Selection Board may give birth to abuses which are peculiar to its own constitution. On the other hand I cannot refrain from saying that the present system is absolutely impervious to public opinion. For these reasons I commend my amendment to the acceptance of the

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House. I think it is a very reasonable and moderate amendment and Government will be in no difficult position. The powers of the District Magistrates of making nominations remain just as they are. The powers of the Government of approving these nominations are untouched. Simply an advisory committee is set up to look into the nominations made by the District Officers. It is in the interests of the taluqdars, rajas, and other big magnates because at present even loafers manage to get in. They anyhow please the District Officer and sit as honorary magistrates with the rajas and taluqdars. In this way our position is being degraded every day and we have to see that it is not so degraded. With these words I commend the amendment to the House.

Mr. Mukandi Lal : [During this speech the Hon'ble the President resumed the Chair] I rise to lend my support to the resolution which has been moved by my friend the honourable member for Bijnor. Incidentally, I may add that I will also point out the inherent defects of the amendment proposed by the speaker who has just resumed his seat. Sir, I notice a flutter in the Government benches and I also notice some smiles and contortions of the faces. Vigorous lobbying seems to be going on ; and I wonder what is the reason for all this. Sir, this is a resolution which has been proposed with a view to remove the inherent defects incidental to a system that has been already exposed by the three previous speakers. The system that has been proposed now is not a novel one. There are countries in the world where not only honorary magistrates, but even other responsible law officers are elected. In America, which is one of the most advanced countries in the world, even the Judges are elected. We are not going here so far. What we demand is that the honorary magistrates, who are appointed by the Government, should be appointed after a certain system. That system has been pointed out in the resolution. We do not want to tie down the hands of the Government in electing or nominating a particular individual. What we want is a committee of representative men who can be relied upon by Government. Who are those men ? They are : the president of the district board, the chairman of the municipality, members of this Council, District Judges, and the District Magistrate of the district concerned. That will be a responsible committee. What this committee has got to do is only to prepare a panel of certain persons whom the committee considers fit to be appointed honorary magistrates, to administer justice to the people. Now, there is also the amendment which has been proposed. It will depend on the development of the discussion on this resolution whether ultimately it will be the amendment or the resolution that will be acceptable to us. Therefore what I want to say just now is about the principle that we desire to be adopted. I do not say that the Government deliberately appoint a particular type of individuals who are undesirable, corrupt, and dishonest and who misuse their powers. But, as has been pointed out, the system being defective, there are certain magistrates who are carried away by their own idiosyncrasies and by their own whims and prejudices in appointing particular types of honorary magistrates. Instances have been quoted by previous speakers and I may also add two more instances to the list. It has been said that honorary magistrates must be men in whom the people have confidence. This most salient principle is generally disregarded. There have been cases in which not only persons in whom the people have no confidence have been

appointed, but that the most unpopular persons of the locality concerned have often been appointed. May I give one instance, it is about Ranikhet? I will not mention the name of the gentlemen. That individual stood for the district board and could obtain only 11 votes, but he has been appointed an honorary magistrate, and what is the price that he has paid for it during the last Council elections? I am not referring to my own election, but it is in connection with the election of one of the members of this Council. He went from door to door, from polling station to polling station, on his motor-car, and tried to counteract the voting in favour of a particular candidate who was probably against his election to the district board. Not only that, Sir, he also misled the District Magistrate of the district and said that there was going to be a riot and free fight in a particular polling station. The honorary magistrate went with hand-cuffs and chaprasi to the polling station and intimidated people and said that if they voted for a particular individual they were likely to be arrested and prosecuted. This is a type of honorary magistrates who are appointed under the present system. I will quote another instance from the district of Almora. There is an honorary magistrate at Askot who happens to be a big landlord in that part of the district. I do not mean to cast any reflection upon the landlord class. I have got a pamphlet with me which describes the feelings of the people who have had the misfortune of having such a magistrate. I cannot say that everything, every allegation that it contains is correct. But I do believe that the feelings represented in it are not incorrect. If the Government finds that the person against whom these allegations are made is beyond all reproach, they or he may run the publisher for defamation published. It can take to task the signatories and charge them with libel. This pamphlet is signed by a large number of persons. It is written in Hindi. I will only read a few sentences from it, as it is a long thing with which I should not take up the time of the Council. It is this :—

अब आनरेबो मजिस्ट्रेट साहब की न्यायशैलता का परिचय लीजिये ।.....
जिन आसामियों के ऊपर मजिस्ट्रेट साहब की बकहटि रहती है उनका मुकदमा
अदालत में आते ही उन को सजा हो जाती है । और इस तरह उनके ऊपर
जमीन के झगड़े की अदावत उनके मुकदमे में निकाली जाती है और बेचारे
ग़रीब आदमियों को त्रास दिखाया जाता है । इस समय अस्कौट के परगने में
इतना अत्याचार है कि कोई भी मनुष्य यह नहीं कह सकता है कि मेरी
जान और मेरा माल सुरक्षित है ।

The purport of this quotation is that "we are now suffering under the tyranny of a particular honorary magistrate who takes revenge on the people for his private grudge and as soon as those individuals against whom he owes a grudge appear before him he punishes them. Not only that, but he takes advantage of his position and takes revenge for the disputes on civil matters and punishes his antagonists. Thus we are under a sort of tyranny exercised by the honorary magistrate, in which life and property is not safe." This is another instance. Sir, instances of this sort can be multiplied. I admit that this is one of the human weaknesses. Granting that some members of this House have a prejudice against a particular set of people. But here it is an attack that we are making reluctantly against a class. We are forced to make this attack on our own people whom we consider undesirable to be appointed as honorary magistrates and unworthy of administering justice to the people. Therefore there is no

[Mr. Mukandi Lal.]

motive against any particular type of people or any particular type of magistrate. We are trying to find a class of persons among Hindus, among Muhammadans, whom we could entrust with the administration of justice. At the same time I may remind this honourable House that if there is any fear that a particular type of people will be shut out by adopting this method, then I can assert emphatically that that fear is unfounded. There will always be available a good class of people whom we want to administer justice. It is the loafers, it is the *gundas* that will be shut out from obtaining these appointments. Therefore I hope that this honourable House—and I am confident that simple justice will be done by this House to the resolution—will agree to instal on the courts of justice only those persons who are fit for that purpose by accepting this resolution and not confer powers on those persons who use them as apparatus of tyranny and an instrument of injustice.

Babu Damodar Das: I was once an honorary assistant collector and a magistrate and it was in the year 1919. I know from my own personal experience how these honorary magistrates work. A heap of files was sent to me when I began my work as an honorary magistrate. I happened to look into some of these files and read the evidence and there I found only so much written:—“From the evidence it appears that the case is proved and I hereby fine the culprit to such and such amount and in default for such and such sentence.” This was the case not with those who were illiterate but those who were literate. I know of cases where honorary magistrates knew nothing, not only of English but also of Urdu and they could only write their signature. The result was that the party which could *huzur* them most was let off. I am opposed to this principle of nomination because I am opposed to autocracy. If you fulfil the whim of the person nominating you are a favoured man and this is what happens in the case of an autocrat. You have only to fulfil his whims in order to achieve your object. You know how nawabs in the old days and John and others in England ruled. You also know how Kaiser and Czar ruled. The Collector is not a super-human. He has got his own fancies and whims and people have got only to satisfy them to get honorary magistracy. These honorary magistrates are called *anari* or blind magistrates and their court is called “*andheri kachahri*,” i.e., the court where there is no justice but blindness prevails. With these few words I support the resolution.

Rai Bahadur Babu Vikramajit Singh: The question is, whether the presents system of honorary magistrates has proved satisfactory and does it require a change. There is no doubt that the body of honorary magistrates is of great help to the stipendiary magistrates, i.e. they dispose of a very large number of cases. But it has been found that there are many honorary magistrates who are unfit or unsuited to hold their appointments and to keep them on as honorary magistrates is not in the interest of the public at all. The powers of honorary magistrates ought to be conferred upon men who have got capacity, who have got ability, and who have got integrity to discharge the duties of that office. All the speeches that have been made so far in the Council have shown the great dissatisfaction that prevails with reference to a majority of these honorary magistrates. I would not like to back up my opinion only with my own personal experience, but I would show to the House that the highest judiciary in these provinces has given

its verdict, which is unfavourable to a large number of honorary magistrates. Many of these honorary magistrates are very dilatory in their methods of conducting their work. In fact the frequent postponements and adjournments they grant are sometimes tantamount to a denial of justice, and on this point I will just refer the House to the opinion of the High Court of Judicature at Allahabad. In the criminal statements for the year 1920, they say:—

“The honorary magistrates are not free from fault. For instance, one district magistrate complains sadly that the work of his honorary magistrates is marred either by ignorance or by wilful neglect of proper procedure. And some of the explanations of delay which come before the High Court show a most reprehensible dilatoriness on the part of benches. But none the less there are many honorary magistrates and benches to whom a very great debt of gratitude is due for public work rigidly and conscientiously performed.”

Again in 1921 they remark—

“It must be admitted that as the District Magistrate of Gorakhpur remarks, honorary magistrates are too prone to allow parties and pleaders a greater licence in the matter of postponements than is necessary or advisable; and that the claims of their own private affairs and the difficulty of convening benches militate against their efficiency. It is natural that in such circumstances the public should prefer to have recourse to the regular magistracy rather than to honorary magistrates.”

From both these quotations it will therefore appear that the High Court are of the opinion that most of the honorary magistrates are either ignorant of procedure or are dilatory in their methods of work.

What is true of the province of Agra is true also of the province of Oudh. There too the Judicial Commissioner of Oudh finds them negligent in the discharge of their duties and unpunctual in their hours of work, and I shall, with your permission, quote a passage or two from the note on the administration of criminal justice in Oudh. In the note for 1921 the Judicial Commissioner of Oudh remarks:—

“Frequent adjournments still disfigure the work of some of the honorary magistrates. An honorary magistrate does not always consider it incumbent on him to attend court on the date fixed unless he is absolutely free and at leisure. It is not uncommon to find an order recorded that the case will stand adjourned as one of the honorary magistrates is away from the station. Such adjournments involve inconvenience and expense to the parties and their witnesses and should be obviated.” In the note for 1922 the Judicial Commissioner says:—“Instances are not infrequent when cases were adjourned on the ground of private business. The District Magistrate, Sitapur, remarks:—“Honorary magistrates and benches are exasperatingly irregular in attendance and it is a wonder that the patient public tolerates them. Honorary magistrates regard their own convenience paramount and seldom disturb it for the benefit of the public. Unless they realize the trouble to which the witnesses and the parties are put owing to frequent adjournments, they will not be doing their duty. I am afraid that honorary magistrates do not take their duties as seriously as one would desire. In many cases they held court as it suited their convenience and not as a matter of duty and habit. This is much to be regretted because as time goes on well-to-do people will have to give a large portion

[Rai Bahadur Babu Vikramajit Singh.]

of their time to public duties." I shall make one more quotation, and this time from the criminal statements of the High Court for the year 1923. The High Court say :—" It is to be regretted, however, that there are not a few honorary magistrates whose lack of method and failure to realize the nature of their responsibilities have brought their courts into deserved disrepute. The Magistrate of Muttra reports that the Brindaban bench, in spite of the reproof administered by this court in the report of 1922, moves on its way unscathed. Another bench in this district had to be suspended, while a third is described as 'devoid of conscience.' From Bareilly and Moradabad praise of some honorary magistrates is tempered by serious complaints of others. 'Dilatory proceedings,' says the Magistrate of Budaun, 'are the besetting sin of most honorary courts.' Unfortunately these are not the only districts where such criticisms have been made." Now, it seems to me perfectly clear from the reports of the Hon'ble High Court at Allahabad and of the Judicial Commissioner's Court of Oudh that they have from year to year condemned the work of various honorary magistrates, sometimes as hopelessly incompetent, sometimes as ignorant and devoid of conscience, and sometimes as irregular and dilatory, but it does not appear whether the powers of these honorary magistrates which were conferred, probably on the recommendation of the district officer, by the Government were withdrawn in any of these cases. Therefore, Sir, when the public sees that there are honorary magistrates who are unsatisfactory and unfit and incompetent to hold office and although the highest judiciary pronounces their unfitness, still they retain these powers. The Government ought to consider that these powers are conferred in the interests of the public as a substitution for the powers which are exercised by the stipendiary magistrates. They are treated at present as a sort of minor title and they are given to those people in many instances who try to please their district officers and generally, so to say, for loyalty to the district officer, I submit, Sir, that they should not be treated as a sort of minor title. It is entirely in the interests of the public service that these powers are conferred and they ought to be conferred only on people who are considered fit in point of their general knowledge, in point of their ability and experience, to exercise those powers. Therefore, Sir, it appears to me absolutely necessary to have some check on the method of selection and appointment of these honorary officers. There is the resolution before this House of my honourable friend Babu Nemi Saran. There is an amendment which has been moved to this resolution by Rai Bahadur Thakur Mashal Singh. Of course I would have rather liked to move my own resolution if it had been balloted for, as I find that there is some defect in both the original resolution and the amendment. It deals, no doubt, with reference to future appointments that have to be made, but it does not weed out those officers who are incompetent. It merely says that after their time expires an inquiry will be made. But if it is found that there are incompetent or unsatisfactory honorary magistrates who have been appointed only twelve months or six months ago and who have still four years to run, there appears to be no remedy to deprive them of their powers which they are not in a position to use or are unfit to exercise. However, as I have not given any notice of my amendment, therefore the only course that I can take is either to vote for the resolution or for the amendment. In some respects I prefer the resolution, although there is some defect in the personnel of the board. In the resolution the honourable mover only mentions Members of the Legislative

Council representing rural and urban constituencies. He does not make any mention of special constituencies and in that respect I think taluqdars will probably like my suggestion better because some of them also represent special constituencies and they will not be put on these boards of their own districts unless the amendment of my honourable friend Rai Bahadur Thakur Mashal Singh on that point is accepted. However, as I have already submitted there seem to be loopholes or defects in both the resolution and the amendment at present. But our present idea is that the present system ought to be changed and the new system ought to be given a trial. If after some time it is found that the new system is not working satisfactorily, people will have a right to ask the Government not to appoint any honorary officers but to appoint stipendiary magistrates instead. I find that in one of the reports of the honourable the High Court it has been said that in place of honorary magistrates who dispose of very little work one stipendiary whole-time magistrate would be sufficient to dispose of a large number of cases. However, it must not be understood that in supporting this resolution I condemn all honorary magistrates who are exercising these powers at present. Many of them are acquitting themselves most honourably. We have in the Council our honourable friend Raja Shambhu Dayal, who is exercising magisterial powers and who is, I think, discharging the duties of his office very well. There is no complaint against such an officer. He need not think that there is a general condemnation. But the question is merely about the change of system, and therefore, considering both the amendment and the resolution my preference would be in favour of the resolution itself, failing that for the amendment. With these few words I support the original resolution.

Raja Shambhu Dayal : Opposed the resolution in an Urdu speech.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is impossible for me to accept the resolution as it stands. I intended to meet all the objections raised by the honourable members, but there is very short time left at my disposal and I do not wish to detain the Council at this late hour. The resolution in the first instance recommends that the system of conferring honorary judicial powers on individuals be forthwith stopped. There appears an artistic touch of obstruction in this proposal. It would have been much better if this point only was brought forward and other points were left out. But there is another point regarding the formation of the selection board. The Government are unable to accept this proposal for the obvious reason that the power of appointment of honorary magistrates is vested in them under section 14 of the Criminal Procedure Code, and of appointment of honorary munsifs under section 4 of the North-Western Provinces Munsifs Act, 1896, and cannot be interfered with unless and until the Criminal Procedure Code is amended. Then as regards the general conditions governing the appointment of these honorary workers, I submit that I have been solemnly observing the pledges I made from time to time since 1921 up till now, with the result that in 1921 the High Court remarked that the figures showed that a very large amount of useful work was performed by honorary magistrates. In 1922 the cases tried by honorary magistrates were 34,349 and they rose from this figure to 42,789. These cases were tried not by benches of magistrates but by magistrates sitting singly. Now the cases tried by benches in 1924 were 66,396.

[The Hon'ble Raja Sir Muhammad Ali Muhammad Khan.]

As regards Oudh, the Judicial Commissioners in 1922 said :—

“The heavy expenses of democratic institutions cannot be borne by any nation unless a large proportion of its intelligent classes comes forward to do free public service for the State.” These are the words used by the Judicial Commissioners while appreciating the services of honorary munsifs and honorary magistrates. The right course for a constitutional government to follow is to draw inspirations from all these functionaries, judicial as well as executive. We have been watching the recommendations regarding the appointment of honorary magistrates and been persistently demanding a higher standard of efficiency.

The new Government constituted under the Montagu-Chelmsford scheme was established on the 3rd January, 1921, and the cases may thenceforward be examined with regard to the working of the reformed Government. Generally the majority of appointments of honorary magistrates are made for five years. So if you count from 1921 up till now, it is only four years and the fifth year is still to come. We ought to have been given sufficient chance to show whether we have discharged our duties loyally for which the Council has been desirous. When the terms of those who are already exercising magisterial or munsif's powers expire, and the Government do not consider all the recommendations made in this connection, they shall no doubt be guilty of a most unpardonable offence.

Pandit Bhagwat Narayan Bhargava : Does the Hon'ble the Home Member mean that no new appointments were made after 1921 ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I appreciate the point. New appointments were no doubt made from time to time. But what I was driving at was to put the whole case after its working for full terms of five years. Nobody can say that whosoever was appointed was a saintly spirit and could commit no mistake. This can never be expected from any Government whether national or otherwise. Now I am coming to the most important point. It is also said that certain objectionable persons who ought not to have been appointed after the introduction of the new Reforms Scheme were appointed. As it is thought convenient to throw the responsibility of pre-reform days on to the reformed Government, I would like to elucidate the point by saying that the appointment referred to was made at the close of 1920 and not in 1921. Hence it could not be the doing of the new Government.

Babu Bhagwati Sahai Bedar : What about renewals after five years ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I am coming to that. I do not deny that some means should be adopted to secure a better type of man to discharge all these public duties, I do not deny that this should be the honest effort of every officer of the Government to make the best possible selection out of the whole lot.

Khan Bahadur Maulvi Fasih-ud-din : Are there any rules on the subject ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes—there are circulars.

I want to point out to this Council the disadvantages under which, if this resolution is accepted, the Government will have to work. We are asked

to establish a selection board consisting of district magistrate, district judge as chairman of course, and chairmen of the municipalities and members of the Legislative Council representing rural and urban constituencies. This is a most difficult task, and it would be much better if it is left in the hands of the Government itself instead of being transferred to such a board, which can never command the confidence of any section of the population in the district. The first and foremost difficulty will be that those who ought to be represented on this board will never be represented for instance landholders who have got their own special electors which in some cases extend over divisions.

(Voice of—How about Thakur Mashal Singh's case.)

Even in that case there will be impossibility in dealing with the single districts. There are certain constituencies composed of three or four districts and other constituencies composed of two or three divisions. And all those representatives cannot possibly be asked to work on each and every district committee.

It is equally impossible to accept the amendment of my honourable friend from Hardoi, as it does not change the position in the least because my objection with regard to the legality of the action remains as it is. Even under his recommendation the Muhammadans as well as the landholders may grumble that they will never get a proper proportion of the seats, as in season and out of season all these advocates of special interests cry for it.

Babu Mohan Lal Saksena : Will the Hon'ble the Home Member tell us what is the present proportion of landlords and Moslems?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is quite impossible to achieve the objective by means of the board constituted as you recommend. I am only discussing the workability of the proposal and not the question of proportion of any particular interest.

Babu Sita Ram : What remedy do you suggest?

The Hon'ble the President : The Hon'ble Home Member should be allowed to proceed with his speech.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I would suggest, if it is not against the general policy as I understand it, that if our Swarajist friends see their way to withdraw the resolution and leave the matter in the hands of Government, I may, without committing myself, approach the Governor in Council, on behalf of the Council, that some agency of a provincial character may be devised as far as permissible by law to consider this question and to have an effective voice in the appointment of these honorary workers.

With these words I oppose the resolution.

Khan Bahadur Hakim Mahboob Ali Khan : Spoke in Urdu.

Pandit Sri Krishna Dutt Paliwal : The resolution has been discussed at length and I move the closure.

The Hon'ble the President : I accept the closure.

Babu Nemi Saran : It is already too late and I think it will simply be taxing the patience of the Council if I take more than five or ten minutes.

The Hon'ble Mr. S. P. O'Donnell : Make it five minutes.

Babu Nemi Saran : If the Government accepts my proposal I will accept it. I should first of all thank Raja Shambu Dayal Sahib for the confidence in my honesty that he has expressed, and in return I may say that I have not the least doubt about the way in which he has used the honorary powers he possesses. Now I should turn to the speech of the Hon'ble the Home Member. I have tried to listen to the speech very attentively to find out if there was much of substance in it. But I am sorry to say that I failed. He has not met any of the points that I and other honourable members of this House who supported the resolution have made. In the very beginning the Hon'ble the Home Member said that it is impossible for the Government to accept this resolution. His whole strain throughout was a strain of impossibility. He says that the Government has got this power under certain Acts of the Legislature and Government is not prepared to share the responsibility with the non-officials. I submit to the Hon'ble the Home Member that this policy of non-co-operation on the part of the Government will be most suicidal, though it was not so when we non-co-operated with the Government. As I have already said, the Government is wholly irresponsible to public opinion. As the Hon'ble the Home Member has said that more than half the cases in Oudh were tried by these honorary magistrates and honorary munsifs, this question has got much bearing on the lives and liberties of the masses; hence in such cases the Government should take into confidence the representatives of the public. One special point the Hon'ble the Home Member has tried to make out and it is this, that the faults that were enumerated by us regarding these honorary magistrates apply to those who were appointed not by the reformed Government but by their predecessors. I disagree with this. I would request the Hon'ble the Home Member to say what he did with regard to the renewals of these appointments. Were not these very magistrates allowed again to hold office for another five years in the *régime* of the present Government? Or may I know how many such honorary magistrates were removed by the present Government on account of their inability to do the work satisfactorily?

The second point which I wished to bring to the notice of the honourable members is this. In reality the number of honorary magistrates appointed during these four years, i.e., during the present *régime* has been far in excess of the appointments made during any previous four years, and if I may be excused I may say that it was simply due to the palmy days of non-co-operation that the blessed Aman Sabhas got these posts for those who are now enjoying them. I, Sir, with confidence lay this responsibility on the shoulders of the present Government. They are responsible for any irregularity in the conduct of these honorary magistrates, for in these four years many new renewals may have come before it and the excessive number of honorary magistrates that has been appointed in these four years has been appointed by this Government. I am thankful to my honourable friend Maulvi Fasih-uddin who has given me one more point about which I would request information from the Hon'ble the Home Member. It is this, that when he was himself responsible for one district in the days when he was a Government servant, he himself did not know of any orders regarding the selection of honorary officers, and the House will really be pleased to know what these circulars are and how they stand. The only circular which I know and the House knows is the letter which I have read out just now and I have pointed out that that letter in itself is a self-contradictory statement. Sir,

one more point has been made out by the Hon'ble the Home Member and if I am allowed to say so I think it is the same old repetition of the words 'divide and rule.' The Hon'ble the Home Member says that the board which is now proposed in this resolution would not be a representative board. The second allegation that he makes is that the Muhammadans, the taluqdars, and the landholders will not have an adequate representation on it. As far as the first point is concerned, the representatives in it will be the members of the Legislative Council, the chairman of the district board, and the chairman of the municipal board and on behalf of Government there will be the district judge and district magistrate. Thus the minority and majority will both be represented on it. Therefore I think the view that it cannot be called a representative body is not correct.

The next point which he urges is that Muhammadans will have a grievance. I think it is far from correct. I know that in many municipalities the Muhammadans have got their own chairmen. But if it is feared that in many districts there will be a majority of the Hindus and they will have their own way, I think that the Hindus and Muhammadans will not be so unwise as to fight on this subject. I say that these words coming out from the mouth of a nationalist of the calibre of the Hon'ble the Home Member have been a surprise to me. He has expressed himself in that strain more than twice in this debate.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : That is not my opinion.

Babu Nemi Saran : I think that if there is really any trouble about the Muhammadan representation he will press this point on Government and will secure it. For the information of my honourable Muhammadan friends in this Council I will say that I am prepared to give to the Muhammadans a representation for their minority if the Government wants to get any such representation. Therefore as far as that objection is concerned it falls to the ground. If I am incorrect, the House is open to correct me in this connection and make any necessary amendment. As far as I think, the Muhammadans and the Hindus are sensible enough and will not be prepared to fight amongst themselves over such crumbs.

As far as landlords are concerned, I think they too will have no grievance on this account; because if they are in the district they will in that case be on the board; even if they are not, I think they will not be so narrow-minded as to grudge it. However, if they really want it I think the Government and this House will have no objection to giving them a representation. The last point which the Hon'ble the Home Member has tried to make out is that there may be some legal defects in the constitution of an advisory board. I think it is legal for Government to have as many advisory boards as it likes.

If the House is in a mood to accept the amendment it can do so. For I want the House to accept the principle and then Government can take steps to represent on the advisory board such interests as it thinks ought to be represented on it. With those words I commend the resolution to the acceptance of the House.

The amendment of Rai Bahadur Thakur Mashal Singh was put to the vote and the Council divided as follows :—

Ayes (35).

Babu Sangam Lal.
 Baou Damodar Das.
 Rai Bahadur Lala Sita Ram.
 Babu Bhagwati Sahai Bedar.
 Thakur Manjit Singh Rathor.
 Rai Jagdish Prasad Sahib.
 Pandit Nanak Chand.
 Thakur Shib Narayan Singh.
 Babu Nemi Saran.
 Chaudhri Badan Singh.
 Thakur Sadho Singh.
 Pandit Brijnandan Prasad Misra.
 Pandit Bhagwat Narayan Bhargava.
 Pandit Jhanni Lal Pande.
 Lieut. Raja Durga Narayan Singh.
 Pandit Sri Krishna Dutt Paliwal.
 Babu Parsidh Narayan Anad.
 Pandit Yajna Narayan Upadhya.

Babu Dip Narayan Roy.
 Bhaya Hanumat Prasad Singh.
 Pandit Govind Ballabh Pant.
 Pandit Hargovind Pant.
 Mr. Mukandi Lal.
 Babu Ram Chandra Sinha.
 Rai Bahadur Thakur Mashal Singh.
 Babu Sita Ram.
 Thakur Hukum Singh.
 Dr. Muhammad Naim Ansari.
 Mr. Muhammad Aslam Saifi.
 Maulvi Zahur-ud-din.
 Hafiz Hidayat Husain.
 Maulvi Abdul Hakim.
 Dr. Shafa'at Ahmad Khan.
 Rai Bahadur Babu Vikramajit Singh.
 Dr. Ganesh Prasad.

Noes (36).

The Hon'ble Mr. S. P. O'Donnell.
 The Hon'ble Raja Sir Muhammad Ali
 Muhammad Khan, Khan Bahadur.
 The Hon'ble Lieut. Nawab Muhammad
 Ahmad Sa'id Khan.
 The Hon'ble Rai Rajeshwar Bali.
 Mr. G. B. Lambert.
 Mr. E. A. H. Blunt.
 Kunwar Jagdish Prasad.
 Mr. G. B. F. Muir.
 Mr. A. C. Verrières.
 Mr. C. E. D. Peters.
 Mr. J. R. W. Bennett.
 Mr. S. H. Fremantle.
 Mr. R. Burn.
 Mr. W. S. Cassels.
 Mr. C. M. King.
 Mr. F. F. R. Channer.
 Colonel A. W. R. Cochrane.

Mr. A. H. Mackenzie.
 Mr. G. Clarke.
 Raja Muhammad Ej'az Rasul Khan.
 Chaudhri Jaswant Singh.
 Rai Bahadur Babu Ram Nath Bhargava.
 Chaudhri Sardar Singh.
 Raja Sri Krishna Dutt Dube.
 Kunwar Surendra Pratap Sahi.
 Rao Abdul Hameed Khan.
 Khan Bahadur Chaudhri Amir Hasan Khan.
 Maulvi Obaid-ur-Rahman Khan.
 Saiyid Muhammad Ashiq Husain.
 Khan Bahadur Hakim Mahbub Ali Khan.
 Mr. Ashiq Husain Mirza.
 Khan Sahib Mumshi Siddiq Ahmad.
 Raja Saiyid Ahmad Ali Khan Alvi.
 Raja Shambhu Dayal.
 Lieut. Shaikh Intiaz Rasul Khan.
 Raja Jagannath Bakhsh Singh.

The amendment was accordingly negatived.

The original resolution was then put to the vote and the Council divided as follows :—

Ayes (34).

Babu Sangam Lal.
 Babu Mohan Lal Saksena.
 Babu Damodar Das.
 Rai Bahadur Lala Sita Ram.
 Babu Bhagwati Sahai Bedar.
 Thakur Manjit Singh Rathor.
 Rai Jagdish Prasad Sahib.
 Pandit Nanak Chand.
 Thakur Shib Narayan Singh.
 Babu Nemi Saran.
 Chaudhri Badan Singh.
 Thakur Sadho Singh.
 Pandit Brijnandan Prasad Misra.
 Pandit Bhagwat Narayan Bhargava.
 Pandit Jhanni Lal Pande.
 Pandit Sri Krishna Dutt Paliwal.
 Babu Parsidh Narayan Anad.

Pandit Yajna Narayan Upadhya.
 Babu Dip Narayan Roy.
 Bhaya Hanumat Prasad Singh.
 Pandit Govind Ballabh Pant.
 Pandit Hargovind Pant.
 Mr. Mukandi Lal.
 Babu Ram Chandra Sinha.
 Rai Bahadur Thakur Mashal Singh.
 Babu Sita Ram.
 Thakur Hukum Singh.
 Dr. Muhammad Naim Ansari.
 Maulvi Zahur-ud-din.
 Hafiz Hidayat Husain.
 Maulvi Abdul Hakim.
 Dr. Shafa'at Ahmad Khan.
 Rai Bahadur Babu Vikramajit Singh.
 Dr. Ganesh Prasad.

Nos (40).

The Hon'ble Mr. S. P. O'Donnell.	Raja Muhammad E'jaz Rasul Khan.
The Hon'ble Raja Sri Muhammad Ali	Chaudhri Jaswant Singh.
Muhammad Khan, Khan Bahadur.	Rai Bahadur Babu Ram Nath Bhargava.
The Hon'ble Lieut. Nawab Muhammad	Chaudhri Sardar Singh.
Ahmad Sa'id Khan.	Lieut. Raja Durga Narayan Singh.
The Hon'ble Rai Rajeshwar Bali.	Raja Sri Krishna Dutt Dube.
Mr. G. B. Lambert.	Kunwar Surendra Pratap Sahi.
Mr. E. A. H. Blunt.	Mr. Muhammad Aslam Saifi.
Kunwar Jagdish Prasad.	Rao Abdul Hameed Khan.
Mr. G. B. F. Muir.	Khan Bahadur Chaudhri Amir Hasan Khan.
Mr. A. C. Verrières	Maulvi Obaid-ur-Rahman Khan.
Mr. C. E. D. Peters.	Saiyid Muhammad Ashiq Husain.
Mr. J. R. W. Bennett.	Khan Bahadur Hakim Mahbub Ali Khan.
Mr. S. H. Fremantle.	Mr. Ashiq Husain Mirza.
Mr. R. Burn.	Khan Sahib Munshi Siddiq Ahmad.
Mr. W. S. Cassels.	Raja Saiyid Ahmad Ali Khan Alvi.
Mr. C. M. King.	Shaikh Abdus Samad Ansari.
Mr. F. F. R. Channer.	Lala Mathura Prasad Mehrotra
Colonel A. W. R. Cochrane.	Raja Shambhu Dayal.
Mr. A. H. Mackenzie.	Lieut. Shaikh Imtiaz Rasul Khan.
Mr. G. Clarke.	Raja Jagannath Bakhsh Singh.

The resolution was accordingly negatived.

The Council was then adjourned to the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Friday, the 19th December, 1924.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.
The Hon'ble the President in the Chair.

PRESENT :

The Hon'ble Mr. S. P. O'Donnell.
The Hon'ble Raja Sir Muhammad Ali
Muhammad Khan, Khan Bahadur.
The Hon'ble Lieut. Nawab Muhammad
Ahmad Sa'id Khan.
The Hon'ble Rai Rajeshwar Bali.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. A. C. Verrières.
Mr. C. E. D. Peters.
M. J. R. W. Bennett.
Mr. S. H. Fremantle.
Mr. B. Burn.
Mr. W. S. Cassels.
Mr. C. M. King.
Mr. F. F. R. Channer.
Colonel A. W. B. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad Ejaz Rasul Khan.
Mr. H. David.
Babu Khem Chand.
Babu Narayan Prasad Arora.
Babu Sangam Lal.
Babu Mohan Lal Saksena.
Bebu Damodar Das.
Rai Bahadur Lala Sita Ram.
Babu Bhagwati Sahai Bedar.
Thakur Manjit Singh Rathor.
Rai Jagdish Prasad Sahib.
Chaudhri Jaswant Singh.
Pandit Nanak Chand.
Lala Babu Lal.
Thakur Shib Narayan Singh.
Rai Bahadur Babu Ram Nath Bhargava.
Rai Bahadur Pandit Kharagjit Misra.
Lala Dhakan Lal.
Babu Nemi Saran.
Chaudhri Badan Singh.
Chaudhri Sardar Singh.
Thakur Sadho Singh.
Pandit Brijnandan Prasad Misra.
Pandit Bhagwat Narayan Bhargava.
Pandit Jhanni Lal Pande.
Lieut. Raja Durga Narayan Singh.

Pandit Sri Krishna Dutt Paliwal.
Babu Parsidh Narayan Anad.
Pandit Yajna Narayan Upadhya.
Babu Dip Narayan Roy.
Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Pandit Govind Ballabh Pant.
Pandit Hargovind Pant.
Mr. Mukandi Lal.
Babu Ram Chandra Sinha.
Kunwar Rajendra Singh.
Rai Bahadur Thakur Mashal Singh.
Babu Bindeshwari Prasad.
Thakur Hukum Singh.
Kunwar Surendra Pratap Sahi.
Dr. Muhammad Naim Ansari.
Mr. Muhammad Aslam Saifi.
Maulvi Zahur-ud-din.
Rao Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Khan Bahadur Chaudhri Amir Hasan
Khan.
Maulvi Obaid-ur-Rahman Khan.
Hafiz Hidayat Husain.
Mr. Masud-uz-Zaman.
Nawab Muhammad Yusuf.
Maulvi Abdul Hakim.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Maulvi Muhammad Fazl-
ur-Rahman Khan.
Khan Bahadur Hakim Mahbub Ali Khan.
Mr. Ashiq Husain Mirza.
Khan Sahib Munshi Siddiq Ahmad.
Raja Saiyid Ahmad Ali Khan Alvi.
Khan Bahadur Chaudhri Muhammad
Rashid-ud-din Ashraf.
Shaikh Abdus Samad Ansari.
Mr. St. George H. S. Jackson.
Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Shaikh Imtiaz Rasul Khan.
Raja Jagannath Bakhs Singh.
Mr. Tracy Gavin Jones.
Rai Bahadur Babu Vikramajit Singh.
Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

ENHANCEMENT OF RENT UNDER SECTION 43(b) OF THE AGRA TENANCY ACT.

*7. **Pandit Yajna Narayan Upadhyia** : Will the Government be pleased to state whether any circular was issued by the Hon'ble Board of Revenue, United Provinces, to the District Officer, Benares, in connection with enhancement of rent under section 43(b) of the Agra Tenancy Act? If so, will the Government be pleased to lay the circular on the table?

The Hon'ble Mr. S. P. O'Donnell : Yes. A copy of the Board of Revenue's circular letter is laid on the honourable member's table.

(Circular letter referred to in the answer to starred question No. 7, asked by Pandit Yajna Narayan Upadhyia Sahib.)

Copy of circular letter No. 21/II—196B., dated the 21st December, 1922, from the Secretary to the Board of Revenue, to all District Officers and Commissioners, United Provinces.

I am directed to invite your attention to the Government (Miscellaneous department) notification No. 2505/I—*Present* : R. BURN, Esq., C.S.I., 355, dated the 7th December, 1922, prescribing new rules for suits for enhancement of rent claimed on the ground of a rise in prices which are printed at page 1329, part I of the *United Provinces Gazette*, dated the 9th December, 1922, and to ask that the attention of all courts may be specially directed to these.

Pandit Yajna Narayan Upadhyia : Is it a fact that since the publication of this circular the number of suits for enhancement of rent under section 43(b) of the Agra Tenancy Act has been increasing every year in the district of Benares?

The Hon'ble Mr. S. P. O'Donnell : I do not know what the figures are for Benares. I must ask for notice.

PADDY CROP IN BENARES.

*8. **Pandit Yajna Narayan Upadhyia** : Will the Government be pleased to lay on the table a statement showing the area of land in which the paddy crop was not sown owing to the scarcity of rain in Benares district this year and also a statement of the area in which the paddy was sown, but dried up owing to the scarcity of rain?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Statement showing areas in which paddy crop was not sown owing to scarcity of rain, and of crop failures in the area where paddy was sown during the year 1332F.—

District.	Area in which paddy crop was not sown.			Area in which paddy crop failed.			
	Bhadain (early rice).	Jarhan (late rice).	Total.	Bhadain (early rice).	Jarhan (late rice).	Total.	Remarks.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	
Benares ..	3,100	8,571	11,671	36	95	131	

Pandit Yajna Narayan Upadhya : Will the Government ask the Commissioner of the Benares division to report whether he proposes to make any remission of rent or revenue on account of this scarcity ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The Government will forward a copy of the question and answer to the Commissioner.

EXPORT OF GRAM AND WHEAT.

***9. Pandit Yajna Narayan Upadhya :** What steps does the Government propose to take in order to stop the export of gram and wheat from these provinces ?

The Hon'ble Mr. S. P. O'Donnell : None.

CENTRAL WEAVING SCHOOL, BENARES.

***10. Pandit Yajna Narayan Upadhya :** Will the Government be pleased to state the number of students receiving instruction in the Central Weaving School, Benares, according to rural and urban area and also state what amount per student is spent annually ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : During the year 1923-24, 148 students received instruction in the Central Weaving Institute, Benares. Of these 76 belonged to the rural and 72 to the urban area.

The cost per student was about Rs. 280 annually.

ENGLISH AS AN OPTIONAL SUBJECT IN MIDDLE SCHOOLS.

***11. Pandit Yajna Narayan Upadhya :** Will the Government be pleased to state in how many vernacular middle schools English has been introduced as an optional subject ?

The Hon'ble Rai Rajeshwar Bali : Thirty-six.

ANEI MIDDLE VERNACULAR SCHOOL, BENARES.

***12. Pandit Yajna Narayan Upadhya :** Will the Government be pleased to state when will the construction of the building for the Anai Middle Vernacular School (Benares district) be taken in hand ?

The Hon'ble Rai Rajeshwar Bali : The district board, Benares, reports that the work is now being put in hand.

JAGIR TO KOTWAL OF BENARES.

***13. Pandit Yajna Narayan Upadhya :** Will the Government be pleased to state whether it proposes to give some *Jagir* to the present Kotwal of Benares ? If the answer be in the affirmative, the reasons for giving the *jagir* ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the negative.

RAJPUTS UNDER POLICE SURVEILLANCE.

***14. Pandit Yajna Narayan Upadhya :** Will the Government be pleased to state the number of Rajputs kept under police surveillance in the vicinity of each police station in Benares district ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The number is nil.

*15. **Pandit Yajna Narayan Upadhyā :** Is it a fact that the police prohibit persons from employing them as servants and giving them fields for cultivation as *shikmis*?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The reply is in the negative.

EJECTMENT SUITS AND QABULIATS.

*16. **Pandit Yajna Narayan Upadhyā :** Will the Government be pleased to state the number of ejectment suits filed after the publication of the draft of the Agra Tenancy Act in the Province of Agra?

The Hon'ble Mr. S. P. O'Donnell : The number of suits filed in August and September, 1924 in the 34 districts was 266,065.

Mr. Mukandi Lal : Is this number greater than that of last year?

The Hon'ble Mr. S. P. O'Donnell : Very much greater. It is indeed more than double.

Mr. Mukandi Lal : What is the increase due to?

The Hon'ble Mr. S. P. O'Donnell : It is probably due to the appointment of the committee to revise the Agra Tenancy Act.

*17. **Pandit Yajna Narayan Upadhyā :** Will the Government be pleased to state the number of *qabuliats* registered in the Province of Agra after the publication of the draft of the Agra Tenancy Act to the end of September, 1924?

The Hon'ble Mr. S. P. O'Donnell : No return is submitted of the number of *qabuliats* attested by kanungos in accordance with section 97 of the Agra Tenancy Act, and the detailed inquiry, which would be necessary to collect the information asked for, would involve an amount of work which Government is not prepared to undertake.

*18. **Pandit Yajna Narayan Upadhyā :** How many ejectment suits have been filed in Benares district after the publication of drafts of the Agra Tenancy Act and what are the number of *qabuliats* registered after the 9th August, 1924 to 30th September, 1924?

The Hon'ble Mr. S. P. O'Donnell : A statement is laid on the honourable member's table showing the number of suits filed during the months of August and September, 1924 in the Benares district. Information is not available as regards the number of *qabuliats* registered between the 9th of August and 30th September, 1924.

Statement referred to in answer to starred question No. 18 of the 19th December, 1924.

Statement showing the number of cases (article 28, Schedule IV of the Agra Tenancy Act) filed in the Benares district during the months of August and September :—

	August, 1924.	September, 1924.	Total.
Benares district	255	11,557	11,842

LIBRARIES FOR MIDDLE SCHOOLS IN BENARES.

*19. **Pandit Yajna Narayan Upadhyā :** Has any arrangement for libraries been made in vernacular middle schools of Benares?

The Hon'ble Rai Rajeshwar Bali : The answer is in the negative.

Thakur Hukum Singh : Does the Government think that it is not useful to make any arrangements in this direction?

The Hon'ble Rai Rajeshwar Bali: The Government has formulated a scheme for the purpose.

PANCHAYATS IN BENARES.

***20. Pandit Yajna Narayan Upadhyā:** Is it a fact that the members of the *panchayats* appointed under the Village Panchayat Act are nominated by the sub-divisional officers in Benares and no election takes place?

The Hon'ble Rai Rajeshwar Bali: Members of village *panchayats* are nowhere elected. In Benares they are appointed after the wishes of the villagers have been ascertained in a general meeting held in the village itself.

Pandit Yajna Narayan Upadhyā: Who convenes the general meeting?

The Hon'ble Rai Rajeshwar Bali: Perhaps the sub-divisional officer.

Pandit Jhanni Lal Pande: Are the members of the *panchayats* elected by a majority?

The Hon'ble Rai Rajeshwar Bali: No. They are not elected.

Pandit Jhanni Lal Pande: How are then the wishes of the villagers ascertained?

The Hon'ble Rai Rajeshwar Bali: By the sub-divisional officer generally.

ISSUE OF AN EXTRAORDINARY GAZETTE.

***21. Pandit Yajna Narayan Upadhyā:** Will the Government be pleased to state its reason for the issue of an *Extraordinary Gazette*, dated the 11th October, 1924, in connection with the Arms Rules for the Allahabad municipality?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The notification, which had to be published in the gazette before it could come into force, reached the press too late for inclusion in the ordinary weekly gazette.

TREATMENT OF PRISONERS IN NAINI JAIL.

***22. Pandit Yajna Narayan Upadhyā:** Is it a fact that the European postmaster of Benares Cantonment convicted for criminal misappropriation has been given several rooms in Naini Jail and Hindustani prisoners are employed to pull fans for him?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

***23. Pandit Yajna Narayan Upadhyā:** Is it a fact that no labour is taken from the prisoner although he has got rigorous imprisonment?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No.

PERSONS KILLED IN COMMUNAL RIOTS AT LUCKNOW AND ALLAHABAD.

***24. Pandit Yajna Narayan Upadhyā:** Will the Government be pleased to state the number of persons killed and wounded during the last troubles at Lucknow and Allahabad? How many persons have been convicted up to this day and how many are under trial?

The Hon'ble Mr. S. P. O'Donnell: At Lucknow two persons were killed and 163 injured. The injuries were, for the most part, very slight. The only prosecutions undertaken in Lucknow were under section 188, Indian Penal Code, for disobedience of the curfew order and under section 107, Criminal Procedure Code.

At Allahabad 12 persons were killed or died subsequently of injuries and 131 injuries were reported. Two hundred and sixty-two persons have been convicted under section 188, Indian Penal Code, two persons under section 332, Indian Penal Code, whilst cases have been instituted against 160 persons under various sections of the Indian Penal Code (e.g., 302, 395, 307). Of these 160 persons 54 are in the lock-up, 22 on bail and 84 absconding.

COMMUNAL RIOTS AT ALLAHABAD.

***25. Babu Sangam Lal:** Will the Government be pleased to state the immediate causes of the Hindu-Muslim disturbance at Allahabad or how it arose? And will the Government be pleased to institute a public inquiry into the immediate cause or origin of this disturbance, if the Government has no information on the point?

The Hon'ble Mr. S. P. O'Donnell: The immediate cause of the disturbance was a baseless rumour that fighting had started near the Attarsuya mosque. The Government has full information as to the various causes of the ill-feeling and rivalry that eventually culminated in the riot and consider that a public inquiry would be unlikely to disclose any new important facts and would certainly accentuate the present ill-feeling.

***26. Babu Sangam Lal:** Will the Government be pleased to state whether the Allahabad district officials apprehended trouble at Allahabad on the occasion of last *Dasehra*?

The Hon'ble Mr. S. P. O'Donnell: The district officials were aware that in the existing state of public feeling some petty incident or mischievous rumour might cause an outburst and consequently elaborate police arrangements were made; a troop of cavalry was posted near the spot where the riot started in 1917 and the military authorities were asked to hold other troops in readiness.

***27. Babu Sangam Lal:** Will the Government be pleased to state whether the district officials at Allahabad had information that a *kabaddi* had been arranged on the *Dasehra* day near "Atala" in which people from neighbouring villages were to take part?

The Hon'ble Mr. S. P. O'Donnell: At 4 p.m. on the 7th October the City Kotwal was informed by detectives that a *kabaddi* match had been arranged near Atala. He was not told that people from neighbouring villages were collecting to take part. He reported to the Superintendent of Police who visited the spot in person and told the crowd that the occasion was inopportune for such a meeting. The crowd dispersed without demur.

***28. Babu Sangam Lal:** Will the Government be pleased to state whether the attention of the district officials was drawn by some leading Hindus that the *kabaddi* was an excuse for people to collect near the road through which the *Dasehra* procession passes and that it was likely to create trouble? If so, what steps did they take to prevent people from collecting there? If none, why not?

The Hon'ble Mr. S. P. O'Donnell : No leading Hindus approached the District Officer on the subject. The information which reached the City Kotwal has already been stated.

***29. Babu Sangam Lal :** Will the Government be pleased to state how the trouble arose near "Sabzimandi"?

The Hon'ble Mr. S. P. O'Donnell : Sporadic stone-throwing and assaults occurred in Sabzimandi mohalla and the stalls of the vegetable sellers in the municipal market close by. Soon after the disturbances began, an armed crowd of Hindus returning past the Kotwali from the processions received false information that the Kunjras of the vegetable market were looting Hindu houses and shops. Thereupon they rushed to attack the Kunjras, but were stopped by the police. There was much uproar which was increased when some brick-bats began to fall among the crowd, apparently from the houses of some prostitutes against which the crowd started to return stones and brick-bats. The disturbance quieted down with the arrival of police reinforcements and of the troop of cavalry.

***30. Babu Sangam Lal :** Will the Government be pleased to state the number of persons who were murdered and wounded and how many of them were people belonging to places other than Allahabad city?

The Hon'ble Mr. S. P. O'Donnell : The number of persons who were reported killed during the riot or subsequently died of injuries was 12 and the number of wounded 131. No doubt many injured persons did not report their injuries. The ascertained number of persons resident outside Allahabad city who were killed or injured is 14.

***31. Babu Sangam Lal :** Will the Government be pleased to state whether it is a fact that in these communal disturbances a greater portion of victims belongs to places other than the place of disturbance and are mostly travellers and visitors and that it was specially the case in Lucknow and Shahjahanpur?

The Hon'ble Mr. S. P. O'Donnell : In Allahabad the proportion of victims from outside places was small.

In Shahjahanpur of nine persons killed, eight were residents of Shahjahanpur city and the ninth came from a village five miles distant. Of 112 persons injured 98 were residents of Shahjahanpur city, 11 were from villages in the Shahjahanpur district and three only were residents of other districts.

In Lucknow, out of two killed and 163 injured, 150 were residents of Lucknow, six belonged to villages in the neighbourhood of Lucknow and nine were residents of other districts.

***32. Babu Sangam Lal :** Will the Government be pleased to state the steps taken by Allahabad officials to save the pilgrims and travellers from attack?

The Hon'ble Mr. S. P. O'Donnell : Within two hours of the outbreak the main roads from the railway station were being patrolled by British troops. Travellers and pilgrims who accompanied these patrols were safe from attack. The police who patrolled the mohallas had instructions that it was part of their duty to escort persons who had to move from one place to another on necessary business.

***33. Babu Sangam Lal :** Will the Government be pleased to state what steps the district officials took on the night of the 7th October and on 8th October to prevent the visitors from proceeding to the affected area and how is it that so many of the visitors to Allahabad received injuries ?

The Hon'ble Mr. S. P. O'Donnell : At the Allahabad Junction Station the Railway Police warned all passengers arriving by train that it was unsafe to proceed into the area affected by the riot. Most passengers stayed on the station premises and those who had to go to the city on urgent business accompanied the escort which the Railway Police provided for railway employees proceeding from and to duty. Similar precautions were taken at the Bengal and North-Western Railway city station.

Attention is invited to the answer to question No. 31.

***34. Babu Sangam Lal :** Will the Government be pleased to issue special instructions to all the district officials as to the steps to be taken by them to save the visitors in places where disturbance break out in future ?

The Hon'ble Mr. S. P. O'Donnell : In view of the answer given to the previous questions Government does not consider it necessary to issue instructions.

***35. Babu Sangam Lal :** Will the Government be pleased to state when it proposes to return the firearms to their owners ?

The Hon'ble Mr. S. P. O'Donnell : Orders regarding the return of firearms were issued on the 21st October.

***36. Babu Sangam Lal :** Will the Government be pleased to state how many days after the disturbance began were "special constables" enrolled at Allahabad ?

The Hon'ble Mr. S. P. O'Donnell : The disturbances began on the evening of the 7th October, and special constables were enrolled on the morning of the 10th October.

***37. Babu Sangam Lal :** Will the Government be pleased to state the number of constables at Allahabad on the 10th October ?

The Hon'ble Mr. S. P. O'Donnell : There were 386 constables within the Allahabad municipal area, of whom 170 were on duty in the disturbed area. There were also 328 Reserve Police, of whom 211 were on duty in the same area. By midday on the 10th October 100 constables had arrived from other districts.

***38. Babu Sangam Lal :** Will the Government be pleased to state the number of "special constables" who were enrolled and the number of hours they worked and the help they rendered to the police ?

The Hon'ble Mr. S. P. O'Donnell : One hundred and forty special constables were enrolled. Like members of the regular police force they were always on duty, but during the day were at liberty to attend to their own business. At night they were attached to police pickets stationed in their respective mohallas, in order to assist the police with their local knowledge and influence. Reliefs were arranged so that each special constable did picket duty for half the night only.

***39. Babu Sangam Lal:** Will the Government be pleased to state the number of houses looted and the value of the property lost or damaged in Gangaganj, Allahabad?

The Hon'ble Mr. S. P. O'Donnell:

Number of houses looted	..	..	..	..	16
					Rs.
Reported value of property stolen	..	..	..	..	341
Approximate extent of damage	..	..	..	..	100

***40. Babu Sangam Lal:** Will the Government be pleased to state the number of houses looted in mohalla Mirapur and the value of the property lost or damaged?

The Hon'ble Mr. S. P. O'Donnell:

Number of houses looted	..	..	..	..	5
					Rs.
Reported value of property stolen	..	..	..	..	198
Approximate extent of damage	..	..	..	..	20

***41. Babu Sangam Lal:** Will the Government be pleased to state how long the fight had lasted between the two parties in Mirapur before the police arrived on the scene?

The Hon'ble Mr. S. P. O'Donnell: About half an hour.

***42. Babu Sangam Lal:** Will the Government be pleased to state whether it is a fact or not that no police arrived in Mirapur though several persons informed the officials that a fight had been going on there for half an hour? If so, why not?

The Hon'ble Mr. S. P. O'Donnell: It is not a fact. A sub-inspector, who was patrolling in another village half a mile away, hastened to Mirapur as soon as he received information. He arrived about 15 minutes before the Joint Magistrate, who, on receipt of the news at the Kotwali, immediately rode to the spot followed by a party of armed police.

***43. Babu Sangam Lal:** Will the Government be pleased to state what steps it proposes to take against the police officials of Kotwali and Muthiganj police circles, where peace was broken?

The Hon'ble Mr. S. P. O'Donnell: Government sees no reason for punishing the police officials of the Kotwali and Muthiganj circles. Had it not been for their care and vigilance, a breach of the peace might have occurred when the *Dasehra* processions were in progress, in which case the loss of life would probably have been much greater. After the disturbances began the police officers of both circles were patrolling night and day and thereby largely reduced the number of casualties. Government considers that the Superintendent of Police, who was in personal command of the police in the disturbed area and who was responsible for the police arrangements, spared no effort and took every precaution to prevent the disturbance. He was ably and energetically supported by his officers.

***44. Babu Sangam Lal:** Will the Government be pleased to state the name of "the Kalwar mentioned in the Commissioner's report" who fired a gun in Allahabad?

The Hon'ble Mr. S. P. O'Donnell: In the Commissioner's report "Kalwar" was an error. The person was a "Bania" named Ram Kishan.

*45. **Babu Sangam Lal** : Will the Government be pleased to state what action has been taken against the said "Kalwar"?

The Hon'ble Mr. S. P. O'Donnell : "Ram Kishan has been arrested and committed to the Court of Sessions on a charge of murder.

GOVERNMENT TEXTILE SCHOOL, CAWNPORE.

*51. **Hafiz Hidayat Husain** : What is the cost to Government per student of the Government Textile School, Cawnpore? How does the Government propose to reduce this cost?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The school is in its first year, but when the sanctioned number of students is obtained, the cost per student will be Rs. 639 in the technical class and Rs. 462 in the artisan class.

Government is considering the possibility of reducing expenditure.

COMPLAINTS AGAINST THE ASSISTANT SURGEON, BUDAUN.

*52. **Hafiz Hidayat Husain** : Did the Government receive any memorial last spring from the residents of Budaun complaining against the conduct of the Assistant Surgeon of the place and what action has the Government taken on that memorial?

The Hon'ble Rai Rajeshwar Bali : No memorial was received by Government.

AMAN SABHAS.

*54. **Hafiz Hidayat Husain** : Are *Aman Sabhas* still in existence? If so, in which districts? Are tahsildars allowed or encouraged to collect subscriptions for these *sabhas*? If so, will the Government be pleased to stop this practice?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : *Aman Sabhas* still exist in the majority of districts, though in many their activities have practically ceased. In some cases tahsildars, as a convenience to the subscribers, have been allowed to receive subscriptions, but not to solicit or encourage subscriptions. As subscribers need not pay their subscriptions through the tahsildars unless they wish, no orders by the Government are necessary.

Mr. Mukandi Lal : Does not the Government encourage tahsildars to take part in *Aman Sabha*?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

Mr. Mukandi Lal : Does the Government wish that the *Aman Sabhas* should continue still?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

Thakur Manjit Singh Rathor : Does it not mean taking part in politics? Are Government servants to take part in politics?

No answer.

MUHAMMADAN EDUCATION COMMITTEE.

*55. **Hafiz Hidayat Husain** : Has the Government been pleased yet to decide upon the retention of the Muhammadan education committees of the district boards? If so, will the Government be pleased to provide for the appointment of sub-deputy inspectors of schools as secretaries of these committees?

The Hon'ble Rai Rajeshwar Bali : The new district board educational rules are still under consideration.

MUSLIM TEACHERS.

*56. **Hafiz Hidayat Husain :** Will the Government be pleased to state if any, and, if so, what, steps have been taken to ensure the appointment of an adequate number of Muslim teachers in district and municipal boards mixed schools ?

The Hon'ble Rai Rajeshwar Bali : Government have no reason to anticipate that local bodies with whom such appointments rest will not pay due regard to the legitimate claims of Musalmans.

VERNACULAR FINAL, TRAINING AND NORMAL SCHOOLS AND SCHOLARSHIP EXAMINATIONS.

*57. **Hafiz Hidayat Husain :** Is it a fact that vernacular final examinations, training schools and normal schools examinations and scholarship examinations are conducted by the Registrar of Departmental Examinations alone? If so, will the Government be pleased to provide for such examinations being conducted by mixed boards consisting of Hindu and Muslim members ?

The Hon'ble Rai Rajeshwar Bali : The reply to the first part of the question is in the negative. The second part of the question does not arise.

CONSULTATION OF GOVERNMENT RECORDS BY A RESEARCH SCHOLAR.

*60. **Dr. Shafa'at Ahmad Khan :** Did the Government receive a letter from the head of the History department asking the Revenue department to allow Mr. Visheshwar Prasad, M.A., a Research scholar of the department, to consult some records preserved in the Revenue department in connection with his researches into the history of the Rohillas in the eighteenth century ?

The Hon'ble Mr. S. P. O'Donnell : A letter was received to this effect from the honourable member.

*61. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to state the grounds on which they did not allow the Research scholar to consult the records in the Revenue department ?

(2) Is it a fact that these records deal with the early period of the nineteenth century Indian history ?

The Hon'ble Mr. S. P. O'Donnell : The actual records which the Research scholar desired to consult, it was reported, did not exist in the Secretariat. If there are records of historical value of which inspection can properly be allowed, Government would have no objection to their being inspected, if they are specified. A general inspection of Government records cannot be allowed for obvious reasons.

TITLES GRANTED TO AMAN SABHA OFFICERS.

*62. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the number of titles granted to the officers of the *Aman Sabhas* this year ?

The Hon'ble Mr. S. P. O'Donnell : No gentlemen *quâ* officers of *Aman Sabhas* have received titles this year.

GRANTS TO ISLAMIA SCHOOLS AND MAKHTABS.

*55. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the amount sanctioned for the Islamia schools and *makhtabs* in each district during the years 1921 to 1924 ?

The Hon'ble Rai Rajeshwar Bali : A statement is laid on the table of the honourable member.

GRANT TO THE ALLAHABAD ISLAMIA SCHOOL.

*67. **Dr. Shafa'at Ahmad Khan :** (1) Is it a fact that the grant for Allahabad Islamia school has been reduced this year ?

(2) If so, will the Government be pleased to state the reason why ?

The Hon'ble Rai Rajeshwar Bali : (1) Yes.

(2) The reduction was made in accordance with paragraph 384 of the Educational Code.

GAZETTED POSTS IN VETERINARY DEPARTMENT.

*68. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to lay on the table a statement giving the number of gazetted posts held by the natives of these provinces in the Veterinary department ?

(2) Will the Government be pleased to state the number of such posts held by persons who are not natives of these provinces ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : There are three gazetted appointments in the Imperial and three in the Provincial Branch of the Civil Veterinary department. None of these posts is held by a native of these provinces.

*69. **Dr. Shafa'at Ahmad Khan :** (1) Will the Government be pleased to state the reason why people from the Punjab are given berths in the Veterinary department ?

(2) Is it a fact that their number has increased considerably of late ?

(3) Will the Government be pleased to lay it down that in all appointments of this type the natives of these provinces ought to be preferred ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (1) Candidates from the Punjab are not appointed if qualified candidates from these provinces are available.

(2) No.

(3) Preference is already given in the rules to candidates who have resided for three years in the United Provinces.

ARTS AND CRAFTS EMPORIUM, LUCKNOW, WOOD-WORKING INSTITUTE, BAREILLY, AND TECHNOLOGICAL SCHOOL, JHANSI.

*71. **Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the exact position of the Arts and Crafts Emporium, Lucknow, the Wood-Working Institute at Bareilly, and the Jhansi Technological School? Are they maintained entirely by the Government? What is the total amount spent by the Government on them? What losses have they sustained?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : All the institutions are maintained by Government. The annual expenditure is as follows :—

	Rs.
(1) The Emporium	9,924
(2) The Wood-Working Institute	1,59,841
(3) The Technological School, Jhansi	24,189

The term "losses" is not understood. If reference is made to the commercial operation account, the *net* loss is Rs. 8,824.

UTILIZATION CIRCLE.

***72. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state the loss sustained by the Government through the establishment of the Utilization circle? Has it been abolished yet?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The activities of the Utilization circle comprised, among others, the educational and research work of the Wood-Working Institute and also the operations of the Timber Supply division which were of considerable benefit to the territorial circles. It is impossible to work out the direct profit and loss of such operations. The Utilization circle has not been totally abolished because it has to wind up its affairs, but it is much reduced.

CIVIL COURT HOLIDAYS.

***73. Dr. Shafa'at Ahmad Khan :** Do the Government contemplate the reduction in the number of civil court holidays as proposed by the Economy Committee? If so, when?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Consideration of the question has been postponed pending receipt of the report of the Civil Justice Committee.

AMALGAMATION OF THE OFFICE OF CHIEF CONSERVATOR OF FORESTS WITH THE SECRETARIAT.

***74. Dr. Shafa'at Ahmad Khan :** (1) Has the office of the Chief Conservator of Forests been amalgamated with the Secretariat?

(2) If the answer is in the negative, will the Government be pleased to state the reason?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) No.

(2) No saving would probably be effected and the amalgamation is administratively inexpedient.

BHANTUS IN THE MORADABAD DISTRICT.

***75. Dr. Shafa'at Ahmad Khan :** Will the Government be pleased to state what measures they propose to take with regard to the number of Bhantus who are still prowling about Thakurdwara and other parts of Moradabad district?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is not understood what gang of Bhantus is referred to as the number of Bhantu absconders from settlements in the Moradabad district is now negligible, whilst only two members of the Sultana's gang of Bhantu dacoits still remain at large.

LAND REVENUE ACT.

*76. **Dr. Shafa'at Ahmad Khan** : Do the Government intend to modify the Land Revenue Act, with a view to extending the term of settlement to fifty years, simultaneously with the modifications in the Agra Tenancy Act of 1902?

The Hon'ble Mr. S. P. O'Donnell : Government are not in a position at present to make any pronouncement.

THE WEMBLEY EXHIBITION.

*77. **Mr. Ashiq Husain Mirza** : Will the Government be pleased to state what expenses for passage, travelling and other allowances have been incurred in respect of the two officers deputed by the Government to attend the Empire Exhibition, Wembley?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The two officers have not yet returned, and their expenses cannot yet be totalled.

*78. **Mr. Ashiq Husain Mirza** : Will the Government be pleased to state what total sales have been made in the United Provinces Court of the Exhibition?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : As the final report has not yet been received from the Joint Secretaries, the figures are not available.

TECHNOLOGICAL INSTITUTE, CAWNPORE.

*80. **Mr. Ashiq Husain Mirza** : Is it a fact that students of the Technological Institute, Cawnpore, refuse to live in the new boarding house and are being accommodated in the completed wing of the Institute? If so, will the Government be pleased to inquire into the matter?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Yes. Government have made full inquiries.

Mr. Mukandi Lal : What was the cause of their refusing to live in the hostel or the boarding house referred to?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : They did not like to live there.

Mr. Mukandi Lal : May I know the result of the inquiry?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : On inquiry it was found that as money was not sufficiently allotted comfortable arrangements could not be made for the students.

Mr. Mukandi Lal : How much did it cost the Government to build this boarding house.

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Rupees 22,000.

Mr. Mukandi Lal : How many rooms were built?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No answer.

TOLL ON KOSI BRIDGE.

* 81. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to state the amount of toll levied on the Kosi bridge which forms the boundary between Moradabad and the Rampur State ?

The Hon'ble Mr. S. P. O'Donnell : A copy of the schedule of the tolls levied is placed on the honourable member's table.

* 82. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to adopt some measures for the reduction of such charges ?

The Hon'ble Mr. S. P. O'Donnell : The Government is unable to adopt any measure for the reduction of such charges, as the bridge is under the control of the Government of India.

PIRAN KALYAR SHARIF.

* 83. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to instruct the officers deputed to the Piran Kalyar Sharif, and other local officials, whether Hindu or Muslim, to behave decently in the *dargah* during *urs* time ?

The Hon'ble Mr. S. P. O'Donnell : No such general instructions are required. If the honourable member has any complaint to make he must be more specific.

INDIAN AND PROVINCIAL EDUCATIONAL SERVICE OFFICERS.

* 84. **Dr. Ganesh Prasad** : (a) Is it a fact that in the Indian Educational Service the number of officers in the selection grade is the maximum number sanctioned, but in the United Provinces Educational Service the number of officers in the selection grade is only about one-third of the maximum number sanctioned ?

(b) Will the Government be pleased to state the reasons for this different treatment of the officers of the United Provinces Educational Service ?

The Hon'ble Rai Rajeshwar Bali : (a) No.

(b) Does not arise.

Dr. Ganesh Prasad : Will the Government be pleased to state the number of officers in the selection grade of the United Provinces Educational Service ?

The Hon'ble Rai Rajeshwar Bali : I do not know.

Dr. Ganesh Prasad : Is it not a fact that according to the Civil List the maximum number of the selection grade should be 20 per cent. of the cadre of the United Provinces Educational Service ?

The Hon'ble Rai Rajeshwar Bali : Yes.

Dr. Ganesh Prasad : Should not the number be 22 that should be put in the selection grade ?

The Hon'ble Rai Rajeshwar Bali : No, because at the time when a large number of headmasters were put into the Provincial Educational Service grade, the Finance Committee made it a condition to the acceptance of the proposal that no more selection grade posts would be created without their sanction. Therefore no increase in the selection grade can be made unless it is approved by the Finance Committee and the Council. We ourselves cannot do it.

AGRICULTURAL FARM AT FATEHPUR.

* 85. **Hafiz Hidayat Husain** : Has the attention of the Government been drawn to the necessity of establishing an agricultural demonstration farm in the headquarters of the Fatehpur district? When does the Government expect to establish such a farm?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Yes. When Government are satisfied that it is likely to be a financial success,

PAYMENT OF PRICES OF PLOUGH.

* 88. **Lieut. Raja Durga Narayan Singh** : Will the Government be pleased to state—

(a) Why the instalment system in payment of the prices of the improved types of ploughs has been stopped?

(b) If it contemplates the revival of the old system? If so, when?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) The instalment system of payment for improved types of ploughs was stopped for the following reasons :—

(1) The difficulty and expense of recovering small sums spread over long periods, and the large amount of travelling allowance incurred by the staff in collecting payments.

(2) The trouble and loss of time caused to district officials by the constant necessity of recovering on behalf of the department small arrears.

(3) The loss incurred by the department by bad debts, and by failure of purchasers to complete the payment of the later instalments, and by the return of damaged implements.

(b) It is not proposed to revive the system, but Government will have no objection if district boards and co-operative societies take the matter into their hands.

Lieut. Raja Durga Narayan Singh : Does the Government wish to give grants to district boards?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : It is a matter for the co-operative societies. We cannot give any grant for ploughs.

TRUSTS FOR MANAGEMENT OF ESTATES.

* 89. **Lieut. Raja Durga Narayan Singh** : Will the Government be pleased to state—

(a) how many trusts have been established for the management of estates in these provinces;

(b) how many applications were received during the last ten years for permission to establish such trusts and how many were granted?

The Hon'ble Mr. S. P. O'Donnell : No permission from Government is necessary for the creation of such trusts. So far as Government is aware, only one trust is at present managing the estate of a private owner.

Thakur Jagannath Bakhsh Singh : There are at least two trusts in Oudh only?

The Hon'ble Mr. S. P. O'Donnell : No, I have not heard.

MOTORISTS AND CAWNPORE BRIDGE.

* 90. **Lieut. Raja Durga Narayan Singh :** (a) Is the Government aware that great inconvenience is felt by motorists passing through the Cawnpore bridge by being detained for a long time ?

(b) If so, will it be pleased to consider some remedy for it ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Yes.

(b) As soon as funds are available, the Government propose to purchase the metre gauge bridge over the Ganges river at Cawnpore and convert it into a bridge for vehicular traffic.

Lieut. Raja Durga Narayan Singh : May I know when the Government will be in a position to remove this long-standing grievance ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : It is difficult to anticipate this, but when funds will be available we will remove this long-standing public grievance.

Rai Bahadur Babu Vikramajit Singh : May I ask what will be the cost of purchasing this metre gauge bridge ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Between 9 and 10 lakhs.

CLOTH PAINTING INDUSTRY, FARRUKHABAD.

* 91. **Lieut. Raja Durga Narayan Singh :** (a) Is the Government aware that Farrukhabad is famous for the cloth painting industry ?

(b) If so, to encourage the industry of the place, will it consider the advisability of opening a Local Government painting school ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) Government is aware that Farrukhabad is famous for its calico-printing industry.

(b) A school was opened in 1920, but failed owing partly to the unwillingness of the Sadh community to reveal its processes of colour-mixing and other technical processes. Provided, however, that the municipal or district board is prepared to start a new school, Government will consult the Board of Industries on the advisability of contributing half the costs.

IRRIGATION FACILITIES IN FARRUKHABAD.

* 92. **Lieut. Raja Durga Narayan Singh :** (a) Is the Government aware that great inconvenience is felt by the tenantry of the Farrukhabad and Chhibramau tahsils owing to the want of irrigation facilities ?

(b) If so, will it be pleased to take early steps to extend the Ganges canal system from Kaimganj and Majhola to Farrukhabad and Chhibramau tahsils ?

The Hon'ble Mr. S. P. O'Donnell : (a) No.

(b) Does not arise.

TENT CLUB, BAREILLY.

* 93. **Lieut. Raja Durga Narayan Singh :** (a) Is it a fact that the Bareilly Tent Club holds an annual meeting in village Narhi, tahsil Nawabganj, district Bareilly, with the object of pig-sticking ?

(b) Is it a fact that the proprietors of the villages are not allowed to cut grass over a patch of land situated near the village?

(c) Is it a fact that the proprietors are threatened with the forfeit of arms if they attempt to cut grass?

(d) Is it a fact that the pigs do much damage to the *rabi* crops in the locality?

(e) Are the proprietors paid any compensation? If so, what?

(f) If not, will the Government be pleased to consider the advisability of directing the president of the club to pay suitable compensation?

The Hon'ble Mr. S. P. O'Donnell: (a) The Bareilly Tent Club has practically ceased to exist: in the last three years it has only held one meeting at village Narhai.

(b) to (e) No.

(f) In view of the preceding answers this question does not arise.

SUPPLY OF CANAL WATER.

* 94. **Lieut. Raja Durga Narayan Singh:** (a) Is it a fact that the Agriculture department used to be informed previously by the Canal department about the programme of supplying water at different places through different minors and distributaries?

(b) If so, will it be pleased to state why this practice has been stopped?

The Hon'ble Mr. S. P. O'Donnell: (a) No.

(b) Does not arise.

INSPECTORS OF AGRICULTURE.

* 95. **Lieut. Raja Durga Narayan Singh:** Will the Government be pleased to supply a statement of inspectors of agriculture posted on district work and on the farms separately in each district?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: The statement required by the honourable member is laid on the table.

List of officials posted on district work and on farms.

Name of district.	Name of farms.	Name of officials attached to farms.	Name of officials on district work.	Remarks.
Dehra Dun	..	..	Gulam Sabir Khan.*	
Muzaffarnagar	Experimental farm ..	B. Hari Ram Singht	..	† Does district work as well.
Moorut	..	B. Shripat Rao ..	..
Bulandshahr	Demonstration farm ..	M. Karamat Ali† B. Rup Kishore*†	M. Hamid Ullah.*	‡ Under training.
Aligarh	Experimental farm ..	B. Puttu Lal .. B. Gur Datt†	B. G. Kailash Nath. B. Kunwar Singh.	
	Seed farm (Kalai) ..	B. Badha Krishnat B. Khayali Ram .. B. Rameshwar Prasad B. Jit Singh *†	B. Atwar Singh. B. Oltiranjil Lal.* B. Munshi Lal* B. Shib Lal.* Th. Dhanpal Singh.*	
Muttra	Demonstration farm (Jaichonda). Botanical Research farm (Raya).	B. Ram Chandra Singh Th. Kishan Singh *† B. Jyoti Prasad .. M. Daryao Singh .. M. Qabul Singh* ..	B. Baldeo Singh. M. Inam Ahmad. B. Kunwar Prasad.*	
Agro ..	Demonstration farm (Bhopuri).	B. Bisheshwar Dayal B. Abhey Singh ..	B. Shyamsunder Lal. B. Ram Rish Varma. B. Ram Singh.* M. Akaf Hussain.* Ch. Mukhtar Singh.* Ch. Harpal Singh.* Th. Baljit Singh.*	

* Those marked with asterisk are in fieldman service; others are members of the Subordinate Agricultural Service.

List of officials posted on district work and on farms—(continued).

Name of district.	Name of farms.	Name of officials attached to farms.	Name of officials on district work.	Remarks.
Mainpuri	District farm	M. Manzar Ahmad† M. Chaitu Ram* .. M. Nawab Hasan*	.. .. ..
Etah	..	..	B. A. R. Prabhakar. M. Hamiduddin. Ch. Lal Singh. B. Kali Charan.* B. Sheo Narain.* B. Behari Singh.* B. Ram Singh.* B. Dwarka Prasad.* P. Sonpal.* B. Jai Singh Pal.*	
Bareilly	Nawabganj farm	B. Sarju Prasad .. B. Gokul Prasad. M. Ejaz Ahmad Khan†*	Ch. Shahzad Singh. ..	† Under training
Bijnor	..	..	M. Abid Husain.	
Budaun	..	..	B. Ghasi Ram.	
Moradabad	..	..	B. Gopal Saran.	
Shahjahanpur	Sugarcane Research farm	B. Shankar Lal† .. B. Bijai Pal Singh.. B. Kedar Singh .. M. Yusuf Husain Khan M. Altaf Husain Khan* M. Ghooora Khan* B. Kamta Prasad Singh†*	B. Saran Behari Lal.	

Station	Field	Owner	Manager	Inspector	Agent
Pilibhit	M. Abdul Ghani.
Farrukhabad	Pt. Gupat Rao Pathak.
Etawah	..	District farm	..	..	B. Sultan Singh ..
..	B. Lakhi Singh.
Cawnpore	..	Experimental farm	..	..	Mr. W. S. David.
..	M. Badrul Hasan.
..	..	Seed farm (Kalianpur)	..	..	Pt. Ganga Prasad Pande.
..	B. Panna Lal.
..	..	Government Botanical farm.	..	..	B. Shankar Singh.
..	B. Munshi Lal.
..	B. Kalka Prasad.*
..	M. Mumtazuddin Ahmad.*
..	Ch. Tok, Ohand*.
..
Fatehpur	..	Students' Garden.	..	..	..
..	Pt. Bela Prasad Pande.
..	B. Hardeo Prasad.*
..	Th. Bharat Singh.*
Jalaun..	B. Nand Kishore Srivastava.
..	Th. Hari Ram Singh.
..	M. Mohd. Abid.*
Hamirpur	..	Demonstration farm (Jaitpur).	..	..	B. Dwarka Prasad.
..
Banda..	..	District farm (Atara)	..	..	B. Bijai Singh.
..	B. Sheo Balak Ram.*
Benares	..	District farm	..	..	B. Ganga Sahai.
..	B. Nihal Ahmad.
..	B. Putta Lal.
..	B. Purshotam Das.
..	M. Phul Singh.

*Those marked with asterisk are in fieldman service ; others are members of the Subordinate Agricultural Service.

[19TH DEC., 1924.]

List of officials posted on district work and on farms—(conclude).

Name of district.	Name of farms.	Name of officials attached to farms.	Name of officials on district work.	Remarks.
Mirzapur	..	..	M. Surej Prasad. M. Imrat Singh.* M. Genda Singh.* M. Surat Singh.* B. Lalita Prasad.	
Jaunpur	..	..	B. Shyamsunder Mathur.	
Ghazipur	..	..	M. Mohd. Ibrahim. M. Ajudhis Prasad.*	
Ballia	..	..	B. Puttu Lal. B. Ramraj Singh. Pt. Shrinagwat Misra. M. Salamatullah Khan. B. Birbadur Singh. M. Abdul Shakoor.* B. Bisal Singh.	
Gorakhpur	Experimental farm	B. Sanjai Singh B. Krishna Deo Singh*	B. Mahabir Singh.	
Basti	..	..	..
Amangarh	..	..	B. Mata Prasad. M. Abdul Wahab.*	
Naini Tal	JeolKote farm	B. Atwar Singh	..	
Inoknow	Kalli usar farm Sullage farm	B. Baljit Singh. B. Ram Sarup Singh M. Ganga Saran*	S. Wali Mohd. Khan. M. Sibte Istafa.	
Unao	..	..	B. Bindeshri Singh. Pt. Gokul Chard.* M. Hoshnar Singh.*	
Rae Bareilly	..	..

Itapur	..	..	..	S. Inam Ahmad. M. Jamun Ram.* M. Abul Hasan.* B. Qabul Singh	..	† Does district work also.
Hardoi	..	Demonstration farm	M. Mohd. Amir Khan. B. Shri Ram Singh B. Shiamaji Sahai*	Hasan	..	
Kheri	..	..	..	..	..
Fyzabad	..	Seed farm	P. Bhup Singh M. Himat Singh *	..	Th. Raoti Singh. M. Mohd. Ziauddin Hyder. B. Triloki Nath. M. K. D. Banorjee. M. Ram Chandra Singh.* B. Mahabir Prasad. B. Iachhman Das. B. Raj Bahadur. B. Vasdeo Singh.	
Gonda..	..	..	..	..
Bahraich	..	Demonstration farm	M. Nawab Hussain† B. Drigpal Singh.*	..		
Sultanpur	..	Naugawan farm	Pt. Vishnu Dayal Shukla Th. Jagram Singh*	..	B. Budhi Lal. B. Badri Narain Singh. M. Niaz Ahmad.*	
Partabgarh	..	Experimental farm	Pt. Ghanshyam Tiwari Th. Nain Singh**	..	Rai Sahib Ch. Hari Ram Singh. M. Mohd. Baqa. S. Ali Akbar. M. Afzal Husain. B. Basdeo Sahai. Th. Harihar Singh. B. Banshi Dhar. B. Jagmohan Lal. Pt. Teja Singh.* B. Ram Chandra Gupta.* B. Dan Dayal* (B. Shyam Sundar officiating). Pt. Sitaran Tewari.* Pt. Kanhya Lal.* Pt. Madan Lal.* M. Amir Singh.*	
Bara Banki	..	..	..	..	M. Nur Ahmad Khan.	

Those marked with asterisk are in fieldman service; others are members of the Subordinate Agricultural Service.

BOARD OF REVENUE'S CIRCULAR LETTER NO. 6/JUDICIAL—320B.

* 96. **Mr. Muhammad Aslam Saifi:** (a) Will the Government be pleased to state if it is aware that a circular letter of the Board of Revenue No. 6/Judicial—320B., dated the 17th October, 1924, has been addressed to the Collectors of the Agra Province?

(b) Is the Government aware that the zamindars of the province have most intensely resented this interference with the course of justice in revenue courts? Will the Government be pleased to take measures to have this letter withdrawn?

(c) In case the Government approves of it, will it be pleased to give the reasons to the Council on which it justifies it?

The Hon'ble Mr. S. P. O'Donnell: (a) Yes: a copy of the letter referred to and a copy of a subsequent circular modifying the instructions contained therein are laid on the table.

(b) and (c) The Government have seen criticisms on the letter referred to in the newspapers and have received two representations. These criticisms appear to be based on a misapprehension of the scope and purpose of the instructions issued by the Board of Revenue with the approval of the Government. The Government have no desire to interfere, pending the enactment of a revised Tenancy Act, with the normal exercise by zamindars of their powers of ejectment under the existing Act, and would have taken no action if during the current year these proceedings had been instituted on anything like the normal scale. But in consequence apparently of the appointment of a committee to report on the Agra Tenancy Act, the number of ejectment suits instituted this year has risen from 115,728 to the huge total of 272,908. The increase is very unevenly distributed and in most districts is unimportant. In nine districts, however, the figures indicate that wholesale ejectments of tenants are contemplated. In one of these districts suits have risen from 14,471 to 62,871. It is obvious that if all these ejectments were to be carried out, the resulting disturbance and dislocation might have consequences very prejudicial to the public tranquillity; and accordingly instructions were issued that in mahals in which wholesale ejectments have been attempted, suits should for the present be postponed. The postponement of the suits is purely provisional. It will be for the Council to decide later whether they should or should not proceed in accordance with the existing law. The proposals of the Government on this point will be submitted to the Council in connection with the Tenancy Bill which it is hoped to introduce during the course of the present cold weather.

Maulvi Obaid-ur-Rahman Khan: Why did the Government publish the draft Bill when it was the time for ejectments?

The Hon'ble the President: This cannot be answered.

Mr. Mukandi Lal: In answer to the question Government has said that it would be for the Council to decide whether they should or should not proceed in accordance with the existing law. Why should not the Government proceed with the existing law at present and why is it waiting for the matter to be laid before the Council?

The Hon'ble the President: The answer is on the paper at great length.

Khan Bahadur Maulvi Muhammad Fasih-ud-din : May I know for what period the postponement has been made ?

The Hon'ble Mr. S. P. O'Donnell : It is simply to be postponed for the present pending a discussion in the Council.

Babu Sangam Lal : Was similar action taken when the Oudh Rent Bill was published ?

The Hon'ble Mr. S. P. O'Donnell : Yes.

Maulvi Obaid-ur-Rahman Khan : Will the Government return the price of the stamps ?

The Hon'ble Mr. S. P. O'Donnell : In Oudh when it was decided that the suits should be cancelled the stamps were returned.

Khan Bahadur Maulvi Fasih-ud-din : Can any idea be given when this matter is likely to come before the Council ?

The Hon'ble Mr. S. P. O'Donnell : I have already stated that we hope to introduce our Bill in the present cold weather.

Circular letter No. 6/Judicial—320B.

FROM

THE SECRETARY TO THE BOARD OF REVENUE,

UNITED PROVINCES,

TO

ALL COLLECTORS IN THE PROVINCE OF AGRA.

Dated Allahabad, the 17th October, 1924.

SIR,

I AM directed to invite your attention to the large increase in suits for ejectment of tenants under sections 58(a) and (b) of the Agra Tenancy Act, which have been filed in the current year. Reports which have been received show that the number in the whole province is nearly twice as great as the average for the last few years and is approximately 2½ times as many as that for 1923. In nine districts mentioned in the margin the increase is markedly greater than the average.

<p><i>Present :</i> S. H. FREEMANTLE, Esq., C.S.I., C.I.E., AND R. BURN, Esq., C.S.I.</p>	<p>Meerut. Bulandshahr. Aligarh. Farrukhabad. Allahabad. Benares. Gorakhpur. Basti. Azamgarh.</p>
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2. There can be no doubt that this abnormal increase in the number of suits filed is due to anticipations of zamindars regarding the proposed legislation to amend the Agra Tenancy Act. The Committee which prepared a draft Bill has suggested that a life-tenure similar to that of the statutory tenant in Oudh should be conferred on all non-occupancy tenants-in-chief in the province of Agra. Except in the case of tenants who have completed eleven years' holding at the end of June, 1924, there would appear to be no inducement to the

landholder to eject tenants on the large scale which is indicated by the statistics except with the object of taking land into their own cultivation or of securing enhancements of rent by the threat of ejectment. As zamindars are not likely to leave land vacant and if the proposal of the Committee is ultimately accepted by Government and passed into law by the Legislative Council, any tenants admitted to the land from which ejectment is now sought would obtain a life-tenure. It is probable that the main object of the zamindars is to obtain enhancements.

3. At the present stage it is not possible to anticipate the decision of Government and of the Legislative Council on this question, but the figures indicate that in some districts, and more especially in some estates, the disturbance which would be caused by wholesale evictions is sufficiently serious to justify executive action pending the final decision by the Legislature. The following instructions, which have been approved by Government, should therefore be carefully followed.

4. It is not considered necessary that any special action need be taken in regard to suits filed by holders of *sir* against tenants in *sir* land or suits filed by tenants against their sub-tenants. Suits of these two classes should therefore be disposed of in the ordinary method.

5. The case which requires most attention is that of suits by zamindars against non-occupancy tenants-in-chief.

6. The Committee which has been sitting to simplify patwaris' papers has made a recommendation that ejectment suit should be grouped by villages and disposed of by villages. The object is to save the time of the patwari who could thus attend for one or two days and give evidence in all the ejectment suits relating to his circle. The first thing to be done therefore is to sort suits for ejectment by villages and to group these according to circles of patwaris. It will next be necessary to examine the question for each mahal in a village whether attempts are being made to carry out ejectments wholesale. A useful, but not the sole, criterion in arriving at a conclusion on this point is the proportion borne by the total area from which ejectment is sought in the mahal to the area held by non-occupancy tenants-in-chief in the mahal. Wherever the area from which ejectment is sought is one-third or more of the total area held by non-occupancy tenants-in-chief in the mahal, the Collector should treat that mahal as one in which wholesale ejectments are being attempted. In mahals which are not held to be mahals in which wholesale ejectments are being sought the suits should proceed and be decided as usual.

Suits relating to mahals which are held to be mahals in which wholesale ejectments are being attempted should be dealt with as follows:—

(i) If the court after record of the evidence finds that occupancy rights have accrued, or that ejectment is not admissible on some other ground, a decree should be passed accordingly:

(ii) if after recording the evidence the Assistant Collector is not prepared to decree occupancy rights or to find on other grounds that the tenant is not liable to ejectment, he should postpone the case without recording any finding, simply noting that the case is postponed.

7. Where cases in which the ejectment suit has been dismissed are appealed to the Commissioner, the Commissioner should follow the same principles, that is to say, if he is prepared to dismiss the appeal he should pass orders accordingly. If, however, he differs from the Assistant Collector, he should postpone the case.

8. The question as to the action which will be taken in the cases postponed will be ultimately settled by the Legislative Council in connection with the Bill to amend the Tenancy Act.

I have the honour to be,

SIR,

Your most obedient servant,

R. N. MISRA,

For Secretary.

— — —
No. 7/Judicial—320B.

Copy forwarded to all Commissioners of divisions in the Province of Agra for information and necessary action.

By order, etc.,

R. N. MISRA,

For Secretary.

— — —
Circular letter No. 10/Judicial—323B of 1924.

FROM

J. L. SATHE, Esq., I.C.S.,

SECRETARY TO THE BOARD OF REVENUE,

UNITED PROVINCES,

TO

ALL COLLECTORS IN THE PROVINCE OF AGRA

(EXCEPT KUMAUN).

Dated Allahabad, the 29th November, 1924.

SIR,

IN continuation of Board's circular letter No. 6/Judicial—320B.,
Present: dated the 17th October, 1924, I am directed to
S. H. FREMANTLE, Esq., say that the following paragraphs may be substituted for paragraphs 6 to 8 of the circular
C.S.I., C.I.E.,
AND
B. BURN, Esq., C.S.I. letter:—

“ 6(i). The Committee which has been sitting to consider the simplification of patwaris' papers has recommended that ejectment suits should be grouped by villages and disposed of by villages, with a view to saving the time of the patwaris in attending court in connection with them. Suits should accordingly be sorted out by villages and grouped by

patwaris' circles. When this has been done, it will be necessary for the Collector to examine each mahal in the village to see whether attempts are being made to carry out wholesale ejectments in that mahal. A useful, but not the sole, criterion in arriving at a conclusion on this question is the proportion borne by the total area from which ejectment is sought in the mahal to the area held by non-occupancy tenants-in-chief in the mahal. Where the area from which ejectment is sought is one-third or more of the total area held by non-occupancy tenants-in-chief in the mahal the Collector should, as a rule, treat that mahal as one in which wholesale ejectments are being attempted. It is essential that the Collector should record a definite finding against each mahal whether it is, or is not, a mahal in which wholesale ejectments are being attempted.

(ii) When the Collector has recorded his findings and the mahals in which ejectment suits have been filed have been classified in accordance with those findings, the procedure will be as follows :—

(a) In mahals in which the Collector has found that wholesale ejectments have not been attempted, the suits should proceed and be decided as usual.

(b) In mahals in which the Collector has found that wholesale ejectments have been attempted, the cases should be simply postponed and no further action taken.

“7. Where cases have been appealed to the Commissioner, he should dispose of the appeal in the ordinary course, whether the mahal is or is not one in which wholesale ejectments have been attempted.

“8. The action which will ultimately be taken in the cases which have been postponed will be settled by the Legislative Council in connection with the Bill to amend the Tenancy Act.”

I have the honour to be,

SIR,

Your most obedient servant,

J. L. SATHE,

Secretary.

No. 11/Judicial—323B of 1924.

COPY forwarded to all Commissioners in the Province of Agra (except Kumaun) for information and necessary action, in continuation of Board's circular No. 7/Judicial—320B., dated the 17th October, 1924.

By order, etc.,

J. L. SATHE,

Secretary.

No. 766/Judicial—320B.

COPY also forwarded to all District Officers and Commissioners in the Kumaun division for information, in continuation of Board's order No. 704—707/Judicial—320B., dated the 22nd October, 1924.

By order, etc.,

J. L. SATHE.

Secretary.

TEMPORARY EMPLOYEES OF THE PUBLIC WORKS DEPARTMENT.

* 97. **Babu Bhagwati Sahai Bedar**: Will the Government be pleased to state (a) the number of temporary employees of each class in the Public Works department of these provinces, and (b) the number of temporary employees of each class whose services have hitherto been dispensed with on account of retrenchment during the last two years?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: A statement is laid on the honourable member's table.

Statement showing the number of temporary employees in the Public Works department, Buildings and Roads branch, and the number whose services have been dispensed with during the last two years.

Class of temporary employees in the Buildings and Roads branch.	(a) Number of employees before 1923.	(b) Number of posts brought under reduction.	Remarks.
1	2	3	4
Engineers	9	*9	*These include three men brought on to the permanent cadre in the United Provinces Engineering Service.
Upper Subordinates ..	30	†18	† The reduction proceeded as under :— During 1923-24 .. 4 Do. 1924-25 .. 11 Proposed for 1925-26 .. 3 Total .. 18 This excludes seven men promoted to the United Provinces Subordinate Engineering Service.
Lower Subordinates ..	52	‡32	‡ The reduction proceeded as shown below :— During 1923-24 .. 23 Do. 1924-25 .. 9 Total .. 32 This excludes seven men promoted to the United Provinces Subordinate Engineering Service.
Clerks	105	88	
Computors and draftsmen	53	43	
Peons and chaukidars ..	29	14	

* 98. **Babu Bhagwati Sahai Bedar**: (1) Does the Government propose to make further retrenchment in the Public Works department?

(2) If so, how?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: (1) Yes.

(2) By retiring, and dispensing with the services of surplus men. Attention is invited to the answer given to starred question No. 5 of the second day of this meeting (copy attached).

(Answer to starred question No. 5 asked by PANDIT BRIJNANDAN PRASAD MISRA.)

* 5. (1) After a careful consideration of the recommendations of the United Provinces Committee on the subject of the reorganization of the Public Works department the Government have outlined their policy in a resolution published in the Gazette of the 5th July, 1924, and in pursuance of that policy they have up to date—

- (a) combined the offices of Deputy Chief Engineers with that of the Chief Engineer;
- (b) handed over local works to all district boards in the plains, who are willing to accept the responsibility of the control of their own public works, with effect from the 26th October, 1924;
- (c) handed over all residential buildings to the control of civil departments in occupation, and arranged for the execution of minor works costing less than Rs. 20,000 by the civil departments after the 1st April, 1925;
- (d) determined the personnel required for the Buildings and Roads branch of the Public Works department after the 1st April, 1925, when the reorganization of the department will have been practically completed, and have arranged for the disposal of the surplus establishment.

(2) The saving anticipated at the time the reorganization proposals were worked out was Rs. 7,55,329. Against this a saving of Rs. 3,70,301 has already been effected in the past three years; a further saving of approximately Rs. 3,00,000 is anticipated in 1925-26, leaving a balance of Rs. 85,028, which will gradually be effected as the reorganization of the department proceeds.

*99. **Babu Bhagwati Sahai Bedar :** (1) Is it a fact that most of the temporary employees are going to be dismissed owing to the reason that provincial roads are going to be transferred to the district boards?

(2) If so, how does the Government intend to provide service for these men?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (1) No provincial roads are going to be transferred to district boards.

(2) Does not arise.

*100. **Babu Bhagwati Sahai Bedar :** Will the Government be pleased to transfer the services of these employees to the district boards along with the roads?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government cannot transfer the services of its employees to district boards unless the boards make a demand for their services. No Government servant may be transferred to foreign service against his will, vide rule 110 (a) of the Fundamental Rules.

MUHARRAM IN SHAHJAHANPUR.

*101. **Babu Bhagwati Sahai Bedar** : Will the Government inform the Council if any *Muharram* programme was prepared in Shahjahanpur this year, and if, so,—

(a) Who prepared it and was it prepared in consultation with any, and which, of the non-official Hindus or Musalmans ?

(b) When was the 10th of *Muharram* celebrated in Shahjahanpur and when was it celebrated in other districts of the division ?

(c) Was the date of celebration of the 10th of *Muharram* changed from the 11th or 12th of August as originally notified to the 13th of August, and, if so, why was this change permitted and how much time was thereafter left for the Hindu *hindola* festival ?

(d) Were more than one programme made known to the public or were changes in the programme made frequently ? If so, why was it done ?

(e) Was the time for passing *alam* on the 7th of *Muharram* in Sarai Kenyan laid down as up to 11 a.m. and for celebration of *hindolas* from 8.30 p.m. to 11 p.m. in the original programme and no mention whatever was made of a *takht* that started at 9 p.m. from Sarai Kenyan ; if this new *takht* actually started with a procession, who is responsible for this *takht* being permitted to proceed and were any arrests made at the time of this procession in Sarai Kenyan ?

The Hon'ble Mr. S. P. O'Donnell : A *Muharram* programme was prepared.

(a) The district authorities. It was prepared in consultation with non-official Hindus regarding the celebration in the *hindola*. These gentlemen were Lala Hardwari Lal, banker, Lala Sri Ram, and Lala Manni Lal.

(b) On the 13th of August. The date of celebration in the other districts of the division was the 12th August.

(c) Yes. The Muhammadans were unable to give the correct dates at first. The Hindus were permitted to celebrate the *hindola* for as long as they liked. No restriction was imposed.

(d) There was no other programme and no other change made in the programme other than that mentioned above.

(e) Yes. The *hindolas* were permitted from 8.30 to 11.30 p. m. There is no mention of any *takht* in the programme, nor any need for it. The *takht* did not appear to be an innovation, and no objections were received from the Hindus against it. Seventeen arrests were made after a volley of stones had been thrown at the procession. The case is *sub judice*.

Babu Bhagwati Sahai Bedar : Was this *takht* procession a customary procession starting on the 7th of *Muharram* every year ?

The Hon'ble Mr. S. P. O'Donnell : I have just said that this *takht* procession does not appear to be an innovation.

Babu Bhagwati Sahai Bedar : Was any permission given by the District Magistrate for the starting of this *takht* procession ?

The Hon'ble Mr. S. P. O'Donnell : I do not suppose any permission was given, because there was no objection raised.

CONSULTATION OF GOVERNMENT RECORDS BY A RESEARCH SCHOLAR.

*102. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to state the reason why Mr. Visheshwar Prasad, M.A., a research scholar in the History department, Allahabad University, was refused permission to consult the records preserved in the Secretariat?

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to the answer to Council question No. 61 of today's date.

ESTABLISHMENT OF A RECORD OFFICE.

*103. **Dr. Shafa'at Ahmad Khan** : Will the Government be pleased to appoint a small committee of historical scholars to frame proposals for the establishment of a record office in this province for documents connected with the history of the provinces, and secure the transfer to it of such documents as are now in the Bengal Secretariat.

The Hon'ble Mr. S. P. O'Donnell : The proposal to establish a record office has been already approved and is only waiting until funds are available.

*104. **Dr. Shafa'at Ahmad Khan** : What action have the Government taken regarding the resolution of the Government of India advocating the establishment of a record office in the United Provinces?

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to the answer given to his unstarred question No. 26 of the 31st January, 1924.

Unstarred question No. 26 and the answer given to it on the 31st January, 1924, referred to in the answer to starred question No. 104 for the 19th December, 1924.

Dr. Shafa'at Ahmad Khan : Has the attention of the Government been drawn to the fact that Government of India have recommended the establishment of a Records Officer in this province? What action has the Government taken on the resolution? Has the attention of the Government been drawn to page 137, resolution IX of the proceedings of the Indian Historical Records Commission, 1923?

Mr. G. B. Lambert : Government have seen and considered the papers referred to. The appointment of the Records Officer was postponed in 1921 for financial reasons; since then it has been considered on several occasions, but the financial position has not improved and nothing could be done. The Government, however, have not lost sight of the recommendation.

MEDICAL PRACTITIONERS IN RURAL AREAS.

*105. **Dr. Shafa'at Ahmad Khan** : (1) Will the Government be pleased to state if the department of Public Health has any scheme for the supply of medical practitioners for the rural areas?

(2) If so, what progress has been made?

The Hon'ble Rai Rajeshwar Bali : (1) Yes. A scheme has been prepared by the Inspector-General of Civil Hospitals.

It is under consideration.

Rayan Bhargava : Will the Government be
advisability of consulting the district boards

The Hon'ble Rai Rajeshwar Bali: Yes. When funds are available, we shall be in a position to introduce the scheme.

MINUTES OF FINANCE MEMBERS' CONFERENCE.

*106. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to supply the members of the Council with the minutes of the meeting of the Conference of Finance Members which was held at Delhi?

* **The Hon'ble Mr. S. P. O'Donnell:** The Conference was called by the Government of India, and it would be impossible to supply copies of the minutes of that Conference without the permission of that Government. It is for the Government of India to decide whether or no the proceedings of the Conference should be made public. A certain amount of information has appeared already in the Press.

TEACHING OF MUSIC IN SCHOOLS.

*107. **Dr. Shafa'at Ahmad Khan:** What action, if any, have the Government taken on the resolution of the Council regarding the teaching of music in schools?

The Hon'ble Rai Rajeshwar Bali: Subject to funds being available and being voted by the Council, provision will be made in the budget of 1925-26 for the teaching of music at the Kanyakubja Intermediate College, Lucknow.

FOREIGN SCHOLARSHIPS COMMITTEE.

*109. **Dr. Shafa'at Ahmad Khan:** To what extent, if any, have the recommendations of the Foreign Scholarships Committee that met at Naini Tal been carried out?

The Hon'ble Rai Rajeshwar Bali: Provision has been made in the current year's budget for five scholarships as follows:—

- | | |
|--|-----------------------|
| (1) For a graduate of the Allahabad University | } For advanced study. |
| (2) For a graduate of the Lucknow University | |
| (3) For training in Western methods of education—to a male graduate. | |
| (4) For training in Western methods of education—to a female graduate. | |
| (5) A technical scholarship. | |

*110. **Dr. Shafa'at Ahmad Khan:** Will the Government be pleased to state the procedure adopted by them with regard to the award of foreign scholarship in 1923?

The Hon'ble Rai Rajeshwar Bali: A committee was appointed by Government to consider the applications for scholarships awarded by the Education department: this committee recommended to Government the names of candidates, from amongst whom Government selected one for each scholarship. The recommendation in regard to the technical scholarship was made by the Board of Industries.

SUPPLY OF INFORMATION BY GOVERNMENT TO THE PRESS.

* 111. **Hafiz Hidayat Husain:** What facilities does the Government afford to the Press for procuring authentic information regarding matters of public interest?

The Hon'ble Mr. S. P. O'Donnell : The weekly Gazette contains a large amount of public information, much of which is reproduced in the columns of the Press. Press *communiqués* on special subjects are also issued as occasion demands, whilst information is furnished in reply to inquiries where this can be done without detriment to the public interest.

PRESS ROOM IN THE UNITED PROVINCES SECRETARIAT.

*112. **Hafiz Hidayat Husain :** Will the Government be pleased to consider the advisability of establishing a Press room in the United Provinces Secretariat to which recognized agents of the Press may be allowed access ?

The Hon'ble Mr. S. P. O'Donnell : The matter has been considered. Present arrangements appear to meet all requirements.

ISLAMIA SCHOOLS AND MAK TABS.

*113. **Hafiz Hidayat Husain :** Will the Government be pleased to lay on the table a statement showing the grant for Islamia schools and mak tabs for the two years ending March, 1924, and March, 1925, for each district of the province ?

The Hon'ble Rai Rajeshwar Bali : A statement is laid on the table of the honourable member.

* 114. **Hafiz Hidayat Husain :** Is the Government aware that in some districts the district boards are classifying ordinary district board schools managed by either a Musalman manager or staffed by a Musalman teacher as Islamia schools, although the curriculum of studies prescribed for Islamia schools or mak tabs is not enforced in such schools ?

If so, will the Government be pleased to provide that no schools be classified as Islamia schools till they satisfy the two conditions laid down in the Government resolution of August, 1914, for the starting of such schools ?

The Hon'ble Rai Rajeshwar Bali : Government have no information that the facts are as stated in the question. They will examine the matter if specific cases are brought to their notice.

SUB-INSPECTOR OF HASANGANJ, UNAO.

*115. **Babu Mohan Lal Saksena :** Has the Government received any complaint or complaints against the present sub-inspector in charge of police station Hasanganj, district Unao ?

If so, has the Government instituted any inquiry and with what results ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : One such written complaint was received by post, but was returned for submission through the proper channel.

RE-METALLING OF MALL ROAD, LUCKNOW.

*116. **Babu Mohan Lal Saksena**: Will the Government be pleased to furnish the following information regarding the re-metalling of a section of Mall Road at Lucknow :—

- (i) The total length of the road re-metalled ?
- (ii) The total estimated and actual cost of re-metalling ?
- (iii) The dates of preparation and sanction of the original and revised estimates of the work ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (i) The length of the Strand and Mall sections of the IA Provincial road recently re-metalled is as follows :—

					Mile.	Furlong.
Mile 1	..	..	..	..	0	1
" 2	..	..	..	..	1	0
" 3	..	..	..	..	0	6
Total				..	1	7

(ii) Actual cost of re-metalling cannot be given, as the work has not yet been fully completed. For spraying and gritting has still to be done over more than half the area owing to delay in getting grit due to damage by floods to the railway line.

The estimated cost of this work is as follows :—

					Rs.
(a)	From the special repair estimate sanctioned (including contingencies) for	...	...	...	67,482
(b)	From the annual maintenance grant—				

					Rs.
Collection	...	...	...	30,293	} 35,916
Consolidation	...	...	...	5,623	
Total estimated cost				...	1,03,398

(iii) The original estimate for special repairs was prepared in May, 1924, and sanctioned on the 6th June, 1924, for Rs. 60,228.

The revised estimate was prepared in August, 1924, and sanctioned on the 3rd October, 1924, for Rs. 67,482.

The estimate for the annual maintenance of roads was prepared in May, 1924, and sanctioned in the same month.

ROADS IN LUCKNOW CITY.

*117. **Babu Mohan Lal Saksena** : (a) Is the Government aware that all the roads leading into the city from Lucknow junction station belong to the Public Works department ?

(b) Is it also aware that they are all in a very bad state of repair ?

(c) Will the Government be pleased to state why they have been neglected so long and when does it propose to re-metal them ?

The Hon'ble Lieut Nawab Muhammad Ahmad Sa'id Khan : (a) Yes.

(b) Yes.

(c) Every effort has been made to improve them, but re-surfacing with *kankar* has proved unsuccessful owing to the heavy traffic the roads have to carry. It is proposed to re-construct these roads, i.e., to give boulder stone foundations and stone macadam treated with tar, as soon as funds are available.

Babu Mohan Lal Saksena : When were these roads repaired last ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I do not know. I would like further notice.

Babu Mohan Lal Saksena : What efforts have been made to re-surface them ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I have stated in my reply that we are preparing a scheme for repairing those roads on which there is a heavy traffic.

* 118. **Babu Mohan Lal Saksena :** Has the Government received any scheme from the Lucknow municipal board for the better upkeep of the roads in Lucknow city ?

If so, has the Government approved it and what action does it propose to take thereon ?

The Hon'ble Rai Rajeshwar Bali : Yes, the scheme is being examined.

Babu Mohan Lal Saksena : When was the scheme received by the Government ?

The Hon'ble Rai Rajeshwar Bali : We have not yet received the details of the scheme ?

Babu Mohan Lal Saksena : Which schemes are then being examined ?

The Hon'ble Rai Rajeshwar Bali : A preliminary scheme.

Mr. Mukandi Lal : When was this scheme received ?

The Hon'ble Rai Rajeshwar Bali : As far as I remember, it was received in May or June.

Babu Bhagwati Sahai Bedar : Why were the preliminary details not sent for ?

The Hon'ble Rai Rajeshwar Bali : We did ask for further information from the municipal board.

Babu Mohan Lal Saksena : When was the letter issued to the municipal board and what reply has been received ?

The Hon'ble Rai Rajeshwar Bali : I ask for notice.

Babu Mohan Lal Saksena : Was this scheme approved by the Commissioner of Lucknow ?

The Hon'ble Rai Rajeshwar Bali : The Commissioner recommended that the Government should assist the board.

Babu Mohan Lal Saksena : Without the details the Commissioner made the recommendation ?

The Hon'ble Rai Rajeshwar Bali : As I have already told the honourable member, a preliminary proposal was made and the general scheme was recommended by the Commissioner, but we have yet to examine its details before we can take any action.

Babu Bhagwati Sahai Bedar : When is the Government going to receive the details of the scheme ?

The Hon'ble the President proceeded to the next question.

ENFORCEMENT OF PUBLIC WORKS DEPARTMENT REORGANIZATION SCHEME.

— *119. **Babu Mohan Lal Saksena :** (a) Will the Government be pleased to state the number of clerks and overseers and sub-overseers who have been thrown out of employment on account of the enforcement of the Public Works Department Reorganization Scheme ?

(b) Has the Government issued any instructions for the preferential consideration of their claims in case of temporary or permanent vacancies in the department ? If not, will it do so now ?

*120. **Babu Mohan Lal Saksena :** Is it a fact that their claims were overlooked by the Executive Engineer, Lucknow division, in filling certain vacancies that occurred recently in his office ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (a) A statement is placed on the honourable member's table.

(b) No such instructions have been issued, but it has always been the practice to appoint these men to temporary and officiating vacancies provided their past records have been satisfactory and they are out of employment.

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : No.

Statement showing the number of posts brought under reduction as a result of the Public Works department reorganization.

			Number of posts brought under reduction.	Remarks.
Clerks	..	..	*88	
Overseers	..	..	†23	18 temporary and five permanent.
Sub-Overseers	..	..	†58	52 temporary and 26 permanent.

* N.B.—This excludes permanent men, as the number of permanent men to be brought under reduction has not yet been decided.

† Excludes men appointed to the Subordinate Engineering Service.

SALE OF FOREIGN LIQUOR.

*121. **Babu Mohan Lal Saksena :** Will the Government be pleased to lay on the table a comparative statement showing the number of licences for the sale of foreign liquor issued in these provinces during the last five years ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : A statement giving the information required by the honourable member is placed on the table.

Statement showing the number of licences for the sale of the foreign liquor issued in these provinces during the years 1919-20 to 1923-24.

Description.	1919-20	1920-21.	1921-22.	1922-23	1923-24.
FOREIGN LIQUORS.					
<i>Retail licences.</i>					
1. Foreign liquors to be consumed on premises and on and off premises	34	31	32	36	35
2. Foreign liquors to be consumed off premises	120	131	138	147	141
3. Liquors in hotels, restaurants, boarding-houses, clubs and refreshment rooms and stalls other than railway refreshment rooms (excluding canteens)	51	65	68	70	60
4. Liquors in railway refreshment rooms, dak bungalows, dining cars and steamers ..	55	55	54	51	53
Liquors in temporary refreshment stalls (including other temporary licences for foreign liquors)	302	249	331	349	399
6. Foreign liquors—all others special retail licences (including canteen licences) ..	50	57	52	67	69
7. Rectified spirits and medicated wines (Druggists' permits) ..	153	140	140	100	87
8. Denatured spirits	240	244	264	293	360
<i>Wholesale licences.</i>					
Liquor other than commercial spirits (of 1 to 6 above) ..	44	40	40	43	35
Commercial spirits (of 7 and 8 above)	4	10	11	4	4

* 122. **Babu Mohan Lal Saksena** : Will the Government be pleased to issue instructions to the Excise officers that at places where there are more than one foreign liquor shop they should abolish all such shops the licence of which is either voluntarily surrendered by the present licensee or cancelled by the Government for breach of rules or misconduct ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government are unable to accept the proposal as it stands. The Excise Commissioner will be instructed to consider whether any further reductions are possible.

AMETHI RIOTS.

*123. **Babu Mohan Lal Saksena** : Will the Government be pleased to state if it has instituted any inquiry into the conduct of the officials stationed at Amethi during the recent riots ? If it has not yet done so, will it institute an inquiry ?

The Hon'ble Mr. S. P. O'Donnell : Government have instituted no inquiry into the conduct of the officials stationed at Amethi during the recent riots ; they consider that there is no occasion for a formal Government inquiry and that any action required can and no doubt will be taken by the district authorities.

Babu Mohan Lal Saksena : Has the Government issued any instructions to the district authorities to take some action against these officials ?

The Hon'ble Mr. S. P. O'Donnell : No ; I have just explained that we consider that any action necessary will be taken by the district authorities.

Thakur Hukum Singh : Has Government been consulted by the district authorities about taking action ?

The Hon'ble Mr. S. P. O'Donnell : No.

Babu Mohan Lal Saksena : Has this sub-inspector who was suspended been reinstated ?

The Hon'ble Mr. S. P. O'Donnell : The answer to that is in the next question.

*124. **Babu Mohan Lal Saksena** : Will the Government be pleased to state if any of the aforesaid officials have been transferred, suspended or dismissed ? If so, which ?

The Hon'ble Mr. S. P. O'Donnell : No official has been transferred from the district or dismissed. The sub-divisional officer of Mohanlalganj has, I am informed, been recently placed in charge of the Lucknow sub-division for administrative convenience. One station officer was placed under suspension at the time, but was subsequently reinstated temporarily and posted as second officer at another police station pending the trial of the Amethi cases now *sub-judice*.

Babu Mohan Lal Saksena : I beg your pardon.

Babu Mohan Lal Saksena : On what ground was this sub-inspector reinstated ?

The Hon'ble Mr. S. P. O'Donnell : He was reinstated temporarily pending the trial of the cases. His case will be taken up after the Amethi cases have been decided.

Babu Mohan Lal Saksena : Has any inquiry been made into his conduct ?

The Hon'ble Mr. S. P. O'Donnell : I have already informed the honourable member that his case will be taken up after the Amethi cases have been decided by the courts.

Babu Mohan Lal Saksena : Has he been posted to Amethi ?

The Hon'ble Mr. S. P. O'Donnell : No ; he has been posted as second officer at another police station.

THE LEE COMMISSION.

*125. **Babu Mohan Lal Saksena :** Will the Government be pleased to lay on the table a copy of memorandum submitted on the recommendations of the Lee Commission by the Local Government to the Government of India ?

The Hon'ble Mr. S. P. O'Donnell : This Government is not at liberty to publish their correspondence with the Government of India. The honourable member is, however, referred to the Legislative Assembly debates, volume IV, No. 48, for the 8th of September, 1924, which reproduces in Appendix A the correspondence between the Government of India and Local Governments on the recommendations of the Lee Commission.

Mr. Mukandi Lal : Did the Government forward the proceedings of this Council on the Lee Report to the Government of India ?

The Hon'ble the President proceeded to the next question.

SHADOWING OF SWARAJIST MEMBERS OF COUNCIL BY THE CRIMINAL INVESTIGATION DEPARTMENT.

*126. **Babu Mohan Lal Saksena :** Is the Government aware that the movements of a number of swarajist members of the Legislative Council are being closely watched by the Criminal Investigation department to the great inconvenience of these members and their relatives and friends ?

If so, will the Government be pleased to state what information it has in its possession to warrant such a close watch ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer to the first part of the question is in the negative. The second part does not arise.

Pandit Jhanni Lal Pande : I will mention the name of Babu Narayan Prasad Arora, a swarajist member of this Council. Will the Government be pleased to make inquiries ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The answer is in the negative ; I have answered the first part of question No. 126 in the negative.

Babu Damodar Das : May I know whether all the swarajist members are watched by the police ?

The Hon'ble the President proceeded to the next question.

TRANSFER OF MUNSIF'S COURT, KAIRANA, MUZAFFARNAGAR.

* 127. **Rai Jagdish Prasad Sahib :** Will the Government be pleased to state if it has been finally decided to transfer the Munsif's court, Kairana, district Muzaffarnagar, to the headquarters of the district ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No final decision has been reached.

*128. **Rai Jagdish Prasad Sahib :** If so, will the Government be pleased to state on what grounds this decision has been taken?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Does not arise.

*129. **Rai Jagdish Prasad Sahib :** Has the Government received any memorials from the public concerned protesting against the proposed transfer?

If so, what action has the Government taken thereon?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes, Government do not propose to decide the question definitely at present, as no accommodation is as yet available for the court at Muzaffarnagar. Memorials received on the subject will be duly considered.

*130. **Rai Jagdish Prasad Sahib :** Will the Government be pleased to make a local inquiry for gauging the feeling of the public concerned in the matter before actually giving effect to the proposed transfer?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to the answer given to question No. 129.

MEMBERS OF THE CRIMINAL INVESTIGATION DEPARTMENT.

*131. **Lieut. Raja Hukm Tej Pratap Singh Bahadur :** (1) Is it a fact that the members of the Criminal Investigation department are often disguised as mendicants, *sadhus* and *sannyasis* and are permitted by the Government to beg alms and often receive substantial sums of money from the generously-minded innocent public?

(2) If the answer is in the affirmative, will the Government state whether the money is deposited with the Government and what is done with it?

(3) If the answer is in the negative, will the Government be pleased to inquire into the matter and issue such *communiqué* as to discontinue this practice, as it encourages the distrust of the public in distributing charity which ultimately results in shutting off help from the deserving?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The reply is in the negative. At the same time Government are not prepared to interfere with the discretion of the Criminal Investigation department as to methods of disguise necessary for their work. No officer of the Criminal Investigation department is known to have made personal profit out of any such disguise.

RAMLILA CELEBRATION AT ETAWAH.

*132. **Lieut. Raja Hukm Tej Pratap Singh Bahadur :** (1) Is the Government aware that Hindus of Etawah did not celebrate the *Ramlila* festival this year?

(2) Is the Government aware of the reasons of the abandonment of the festival? If so, what are they?

The Hon'ble Mr. S. P. O'Donnell : (1) Yes.

(2) The celebrations were voluntarily abandoned because the inclusion of *akharas* was forbidden.

* 133. **Lieut. Raja Hukm Tej Pratap Singh Bahadur :** Is it a fact that *akharas* are permitted at Etawah along with both *tazia* and *Ramlila* processions? If so, what led to their prohibition this year only at the *Ramlila* festival?

The Hon'ble Mr. S. P. O'Donnell : The Government have no information as regards *akharas* in *tazia* processions. *Akharas* in the *Ramlila* processions are an innovation. They were first introduced in the years 1914-15, but were discontinued after 1915. Last year they were suddenly re-introduced for the processions of the last two days. The District Magistrate then proposed to issue an order under section 144, Criminal Procedure Code, but the kotwal, who is a Muhammadan, made himself responsible for the preservation of order, and no prohibition was actually issued. When the subject was mentioned this year, the *Ramlila* Committee acquiesced in the District Magistrate's suggestion that *akharas* should not be included. Further inquiries followed a later request for their inclusion, as the result of which an order under section 30 of the Police Act was issued requiring a licence to be taken out if it was proposed to have *akharas*. On this the processions were abandoned. The Commissioner visited Etawah and tried to bring the parties to terms, but without success. The inclusion of *akharas* was found by the Commissioner also to be an innovation, and he was satisfied that they should be forbidden if likely to give rise to a breach of the peace. It may be remarked that the *Ramlila* Committee broke their promise to abide by the District Magistrate's decision and did not again raise the question until it was too late to obtain a settlement before the processions began.

Rai Bahadur Lala Sita Ram : Does the District Magistrate report that this so-called innovation was objected to by the Muhammadans?

The Hon'ble Mr. S. P. O'Donnell : I have no doubt that it was.

Rai Bahadur Lala Sita Ram : Will the Government kindly make inquiries from the District Magistrate whether Muhammadans objected to it at all?

The Hon'ble Mr. S. P. O'Donnell : I am practically certain that they did object to it.

Rai Bahadur Babu Vikramajit Singh : Is there any rule laid down by the Government as to what parties should form part of the processions?

The Hon'ble Mr. S. P. O'Donnell : There are no rules by the Government on the subject. The practical course is always to stick to the custom.

Rai Bahadur Lala Sita Ram : Does the Hon'ble the Finance Member know that the District Magistrate thought these processions would lead to a breach of the peace?

The Hon'ble Mr. S. P. O'Donnell : I have just said that I think it was practically certain—because they were an innovation.

Rai Bahadur Babu Vikramajit Singh : Was any representation made against them?

The Hon'ble Mr. S. P. O'Donnell: I have already said that, although the answer did not contain anything to show that objection was raised, it is practically certain that objection was taken.

Rai Bahadur Lala Sita Ram: That is why I ask whether Government know that the District Magistrate thought there would be a breach of the peace?

The Hon'ble Mr. S. P. O'Donnell: I cannot remember whether he reported that or not, but as I have reiterated several times, I feel practically certain that objections must have been raised.

AGRA TENANCY BILL COMMITTEE.

* 135. **Pandit Govind Ballabh Pant:** (a) Is the Government aware of the fact that the Agra Tenancy Bill Committee did not take up the question of tenure of Government tenants in Government estates which was referred to them by the Government in pursuance of the undertaking given by the Hon'ble the Finance Member during the last budget debate?

(b) Will the Government be pleased to appoint a committee to consider this important question?

(c) Will the Government be pleased to state what it proposes to do in this matter?

(d) Has the Government any objection to the grant of fixity of tenure to Government tenants?

The Hon'ble Mr. S. P. O'Donnell: (a) Yes.

(b), (c), and (d), Government do not consider that the appointment of a committee is necessary since they proposed themselves to grant fixity of tenure to all tenants who so desire and have held for three years.

Pandit Govind Ballabh Pant: Will Government be pleased to state the terms of the tenure to be given?

The Hon'ble Mr. S. P. O'Donnell: That is still to be worked out. It will probably include fixity of tenure and registered right.

Pandit Govind Ballabh Pant: Will Government consult members interested in the question while considering this question?

The Hon'ble Mr. S. P. O'Donnell: We shall have to call for proposals from the Commissioner and I will mention to the Commissioner that the honourable member would desire probably to discuss the matter with him.

Pandit Govind Ballabh Pant: Will Government introduce a Bill after this?

The Hon'ble Mr. S. P. O'Donnell: No Bill will be necessary, as they are on Government estates. We can do the needful by leases.

Pandit Govind Ballabh Pant: Will Government publish any rules under the Scheduled Districts Act?

The Hon'ble Mr. S. P. O'Donnell: I do not think any rules will be required. It can be done under the ordinary rules.

Pandit Govind Ballabh Pant : Will Government have to issue ejectment notices to eject tenants ?

The Hon'ble the President : These details will have to be worked out in connection with the scheme.

Pandit Govind Ballabh Pant : I wanted to know whether it can be done without any law.

The Hon'ble the President : It has already been stated that no law is required.

GOVERNMENT HIGH SCHOOL, NAINI TAL.

*136. **Pandit Govind Ballabh Pant :** (a) Will the Government be pleased to state the number of students in classes III to VII of the Government High School, Naini Tal ?

(b) Was admission refused in any case this year for want of room in the class ? If so, in how many ?

(c) Did the School Advisory Committee request the Government to open additional sections in classes III to IV ?

(d) Will the Government be pleased to open additional sections in the aforesaid classes from the beginning of the next session ?

The Hon'ble Rai Rajeshwar Bali : (a) Thirty-three boys in each class.

(b) Yes. The exact number is not known.

(c) Yes.

(d) The question of providing additional accommodation for extra sections in the school is under consideration.

Pandit Govind Ballabh Pant : Will the Hon'ble the Minister note that "4" is a misprint for ".6" It is 3 to 6—in classes 3 to 6, in question 136 (c).

FOREIGN LIQUOR.

*137. **Pandit Govind Ballabh Pant :** Will the Government be pleased to state what quantity of foreign liquor was imported into the United Provinces in 1921, 1922, and 1923 respectively ?

Mr. E. A. H. Blunt : No statistics are available, and owing to unrestricted imports by private consumers, it would be impossible to obtain even approximate figures.

Pandit Govind Ballabh Pant : Can the quantity imported by the licensee be given ?

Mr. E. A. H. Blunt : I very much doubt whether that can be given, but I will inquire if it can be worked out.

*138. **Pandit Govind Ballabh Pant :** Will the Government be pleased to state what was the number of (a) drugs, (b) country liquor, and (c) foreign liquor shops in the various cities in which licensing boards have been established at the time the said boards were formed and what are the corresponding numbers in each now ?

Mr. E. A. H. Blunt : A statement showing the statistics asked for is laid on the table.

Statement showing separately the numbers of hemp drugs, opium, country spirit, tari, and foreign liquor "on and off" shops under the 16 licensing boards at the time the boards were formed and the corresponding numbers existing in 1924-25.

Name of licensing boards.	Number of shops at the time the boards were formed.					Number of shops existing in 1924-25.				
	Country spirit.	Opium.	Hemp drugs.	Tari.	Foreign liquor "on and off."	Country spirit.	Opium.	Hemp drugs.	Tari.	Foreign liquor "on and off."
(1) Allahabad ..	9	5	10	10	2	7	4	7	7	2
(2) Benares ..	17	12	19	14	..	12	10	13	12	..
(3) Cawnpore ..	10	7	15	6	6	7	5	11	4	5
(4) Lucknow ..	14	9	12	14	3	10	8	10	11	1
(5) Agra ..	9	5	13	3	1	9	6	10	3	1
(6) Meerut ..	5	5	5	2	..	4	5	5	2	..
) Bareilly ..	8	3	11	2	..	6	3	8	2	..
(8) Moradabad ..	5	3	4	1	1	4	2	3	1	1
(9) Gorakhpur ..	8	4	4	21	..	8	4	4	21	..
(10) Fyzabad ..	6	4	13	7	..	6	4	11	6	..
(11) Naini Tal ..	2	2	2	..	1	2	2	2	..	1
(12) Jhansi ..	6	3	3	2	2	4	2	2	1	1
(13) Aligarh ..	5	3	4	1	..	5	3	4	1	..
(14) Saharanpur ..	4	4	4	2	..	4	4	4	2	..
(15) Shahjahanpur	7	4	4	3	..	6	3	3	3	..
(16) Mirzapur ..	8	3	5	3	..	8	3	6	3	..
Total ..	123	76	128	91	16	102	68	103	79	12

DUTY ON RECTIFIED SPIRIT.

* 139. **Rai Bahadur Lala Sita Ram :** Is it a fact that in the United Provinces the rate of duty on rectified spirit used for the manufacture of medicinal preparation or for scientific and industrial purposes is Rs. 14-10 per Imperial bulk gallon ?

Mr. E. A. H. Blunt : Yes. It may also be added that Government have authorized the issue of a considerable quantity of rectified spirit annually, duty-free for use in colleges, hospitals, and other public institutions.

* 140. **Rai Bahadur Lala Sita Ram :** (1) Will the Hon'ble Minister for Excise have inquiries made, if necessary, from Bengal, Bombay,

and the Punjab where the rate of duty on rectified spirit used in the manufacture of medical preparations or for scientific or industrial purposes has been reduced to Rs. 5 per L. P. gallon, i.e., Rs. 8-2 per Imperial bulk gallon.

(2) Is it true that in February, 1923 the attention of the United Provinces Government was invited to this? If so, what orders have been passed and when?

(3) Is the Hon'ble Minister for Excise prepared to consider this reduction in the interests of the opening and development of chemical and pharmaceutical industries in the United Provinces?

Mr. E. A. H. Blunt: (1) No inquiries are necessary. The rate is Rs. 5 per L. P. gallon in the provinces specified.

(2) Yes. Final orders have not yet been passed.

(3) Rectified spirit is alcohol, and far more intoxicating than any ordinary liquor. It is potable, either in its natural condition or when mixed with other elements; and it is impossible to denature it so as to render it undrinkable without spoiling it for the purposes to which it is put. It lends itself therefore to abuses which might react unfavourably on the interests of temperance. It is accordingly a debatable question whether a reduction of duty should be allowed, regarding which Government have not reached a final decision.

Rai Bahadur Lala Sita Ram: As the matter has been before the Government since February, 1923, will the Excise Secretary say when Government will be in a position to decide the question finally?

Mr. E. A. H. Blunt: In a matter of this kind it is necessary to consult all other provinces. I cannot remember whether we have consulted all of them. It will take considerable time before replies are received.

Rai Bahadur Lala Sita Ram: But in answer to the first part Government said they do not propose to institute an inquiry from Bengal, Bombay, and the Punjab?

Mr. E. A. H. Blunt: The rates there have already been reduced. There are other provinces also, and it is certain that they will object strongly to any reduction.

Rai Bahadur Lala Sita Ram: Will Government be pleased to refer the matter to the Excise Conference?

Mr. E. A. H. Blunt: There is no objection, but I do not know when the Conference will meet next.

Ramlila CELEBRATION AT ETAWAH.

* 141. **Rai Bahadur Lala Sita Ram:** Will Government be pleased to state the circumstances in which the Hindus of Etawah could not held their *Ramlila* celebrations this year? Is it a fact that the District Magistrate had passed orders oral or written, that no *akharas* should be taken out with the *Ramlila* procession? If so, why was such order given?

The Hon'ble Mr. S. P. O'Donnell: The honourable member is referred to the answers to starred questions Nos. 132 and 133 of today's date.

SUBORDINATE ENGINEERING SERVICE.

* 142. **Rai Bahadur Lala Sita Ram** : Will Government be pleased to lay on the table the following statement concerning the newly-constituted Subordinate Engineering Service in the Buildings and Roads branch of the Public Works department :—

- (1) Person appointed ?
- (2) Examination passed ?
- (3) Position held by him just prior to his translation to the Subordinate Engineering Service, i.e., permanent sub-overseer, temporary upper subordinate or temporary sub-overseer ?
- (4) Length of service in the Public Works department at the time of his appointment in the Subordinate Engineering Service ?
- (5) Salary drawn by him just prior to this appointment ?
- (6) Salary drawn by him just after this appointment ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : A statement is laid on the honourable member's table.

Statement giving particulars of the men appointed to the Subordinate Engineering Service in the Buildings and Roads branch of the Public Works department.

Serial No.	Name.	Examination passed.	Position held before appointment to the Subordinate Engineering Service.	Length of service at the time of appointment to the Subordinate Engineering Service.	Pay drawn before appointment to the Subordinate Engineering Service.	Pay drawn after appointment to the Subordinate Engineering Service.
1	E. S. Robey	..	Roorkee Overseer, 1909	11 9	Rs. 195	Rs. 227
2	Khushi Ram	..	Roorkee Lower Subordinate, 1896	28 1	110	227
3	Lachman Singh	..	Nil	24 1	110	227
4	Durga Sah	..	Nil	26 9	110	220
5	Jewa Ram ..	..	Roorkee Lower Subordinate, 1900..	23 3	110	220
6	Nowhariya Ram	..	Ditto, 1897..	24 6	100	206
7	Raza Husain	..	Roorkee Mechanical Apprentice class, 1899.	19 5	100	205
8	Pyare Lal Dube	..	Roorkee Lower Subordinate, 1901..	22 5	100	199
9	Bihari Lal ..	..	Ditto, 1898..	20 11	100	199
10	J. C. Hussey .	..	Roorkee Upper Subordinate, 1906..	14 4	200	199
11	Bishambhar Suhai	..	Roorkee Lower Subordinate, 1901..	21 10	100	192
12	Hafiz Ullah	..	Nil	19 8	100	185
13	Ulfat Rai	..	Roorkee Lower Subordinate, 1904..	18 1	100	185

14	Baghubar Datt Pant ..	..	Roorkee Upper Subordinate, 1910..	Temporary Upper Subordinate.	12 2 (Also worked for about six months as computer.)	155	185
15	Ittikhar Husain ..	..	Roorkee Lower Subordinate, 1903..	Sub-overseer, I grade ..	20 8	90	178
16	Girdhari Lal Misra ..	..	Ditto, 1902..	Ditto ..	17 6	90	178
17	Mamraj ..	..	Ditto, 1903..	Ditto ..	17 10	90	178
18	Puran Mal ..	..	Ditto, 1903..	Ditto ..	18 6	90	171
19	Rala Ram ..	..	Ditto, 1906..	Ditto ..	14 9	90	164
20	A. John ..	..	Nil ..	Temporary Upper Subordinate.	9 7 (Also furnished a clerk for 13 years.)	140	164
21	Mithan Lal ..	..	Roorkee Lower Subordinate, 1905..	Sub-overseer, I grade ..	18 4	90	157
22	Bhawani Das Sah ..	..	Nil ..	Ditto ..	12 7	90	157
23	Nowal Singh ..	..	Roorkee Lower Subordinate, 1902..	Ditto ..	13 8	90	157
24	Chandu Lal ..	..	Ditto, 1911	Ditto ..	12 9	90	157
25	Ram Chander Das Vaish ..	..	Ditto, 1912	Ditto ..	11 9	90	150
26	Zorawar Sharma ..	..	Ditto, 1912	Ditto ..	12 3	90	150
27	Poorna Nand Sanwal ..	..	Roorkee Upper Subordinate, 1903..	Ditto ..	19 4	90	150
28	Padam Prasad ..	..	Roorkee Lower Subordinate, 1903..	Ditto ..	16 2	75	150
29	Zahid Ali ..	..	Passed sub-overseer of the Muhammadan Engineering School, Saharanpur.	Temporary Lower Subordinate.	4 11 (Also worked as work agent for 11 years.)	90	150

Statement giving particulars of the men appointed to the Subordinate Engineering Service in the Buildings and Roads branch of the Public Works department—(contd).

Serial No.	Name.	Examination passed.	Position held before appointment to the Subordinate Engineering Service.	Length of service at the time of appointment to the Subordinate Engineering Service.	Pay drawn before appointment to the Subordinate Engineering Service.	Pay drawn after appointment to the Subordinate Engineering Service.
				Y. M.	Rs.	Rs.
30	Jeet Singh ..	Nil ..	Sub-overseer, II grade ..	16 11	75	143
31	Ajit Prasad Jaini ..	Roorkee Upper Subordinate, 1914..	Temporary Upper Subordinate.	6 11	120	143
				(Also worked as computer for about 18 months.)		
32	Dhirendra Kumar Chatterjee ..	Overseer, Shipbur ..	Sub-overseer, II grade ..	16 11	70	136
33	Abdul Majid ..	Roorkee Lower Subordinate, 1911..	Ditto ..	12 9	70	136
34	Jadunandan Sahai ..	Roorkee Sub-Engineer, 1908 (outside).	Ditto ..	15 2	70	136
35	Piara Lal Gupta I ..	Roorkee Lower Subordinate, 1910..	Ditto ..	13 9	70	136
36	Tara Singh ..	Nil.	Ditto ..	15 7	70	129
37	Lwarka Prasad Rajbansi ..	Roorkee Upper Subordinate, 1919..	Temporary Upper Subordinate.	4 5	110	129
38	Mulraj II ..	Roorkee Lower Subordinate, 1909..	Sub-overseer, II grade ..	14 9	70	122
39	Krishna Prasad ..	Sub-overseer, Bihar School of Engineering, Patna.	Ditto ..	13 2	70	122
40	Chandra Dutt Joshi ..	Roorkee Upper Subordinate, 1920..	Temporary Upper Subordinate.	3 6	110	122

41	Piars Lal	..	Roorkee Lower Subordinate, 1913..	Sub-overseer, II grade	..	10	9	70	115
42	Malwa Ram	..	Ditto ditto 1904..	Ditto	..	9	8	65	115
43	Ram Lathan Singh	..	Nil	Ditto	..	16	6	70	115
44	Amar Ohand	..	Diploma C. E., Punjab	Ditto	..	10	5	70	115
45	Parnatma Sahai	..	Nil	Ditto	..	8	9	65	108
46	Jainti Prasad	..	Roorkee Lower Subordinate, 1914..	Ditto	..	9	9	65	108
47	Jai Ohand Jaini	..	Ditto, 1907..	Ditto	..	7	9	65	108
48	Raj Kumar Lal	..	Ditto, 1909..	Ditto	..	4	10	65	101
49	Murari Lal Arora	..	Roorkee Upper Subordinate, 1913..	Ditto	..	6	9	65	94
50	Anand Sarup (dead)	..	Nil	Ditto	..	5	11	65	94
51	Dhoom Singh	..	Roorkee Lower Subordinate, 1919..	Ditto	..	4	9	65	94
52	Mul Ohand Vaish	..	Ditto, 1916..	Ditto	..	7	9	65	87
53	Beni Prasad	..	Ditto, 1912..	Temporary Lower Subordinate, 1912..	..	11	6	65	87
54	Nowal Kishore Varma	..	Ditto, 1912..	Ditto	..	10	5	65	87
						(Also worked as officiating sub-overseer for about six months.)			
55	Baru Ram	..	Ditto, 1910..	Ditto	..	9	8	65	87
						(Also worked as famine sub-overseer for eight months.)			
56	Bhagwati Prasad	..	Ditto, 1914..	Ditto	..	9	3	45	87

Statement giving particulars of the men appointed to the Subordinate Engineering Service in the Buildings and Roads branch of the Public Works department—(concluded).

Serial No.	Name.	Examination passed.	Position held before appointment to the Subordinate Engineering Service.	Length of service at the time of appointment to the Subordinate Engineering Service.	Pay drawn before appointment to the Subordinate Engineering Service.	Pay drawn after appointment to the Subordinate Engineering Service.
57	Kashi Nath ..	Roorkee Lower Subordinate 1914..	Temporary Lower Subordinate.	Y. M. 8 11 (Also worked as work agent for eight months.)	Rs. 65	Rs. 87
58	Rahmat Ullah ..	Roorkee Mechanical Apprentice class, 1905.	Ditto ..	8 5 (Also worked as work agent for four years.)	55	87

* 143. **Rai Bahadur Lala Sita Ram :** Will Government be pleased to state whether it is a fact that a temporary sub-overseer (Zahid Ali) who has passed no examination and who joined the Public Works department on 2nd June, 1919, and was drawing Rs. 45 per mensem has been appointed in the Subordinate Engineering Service on Rs. 150 per mensem?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : M. Zahid Ali is a passed sub-overseer of the Muhammadan Engineering School, Saharanpur. He was in receipt of Rs. 90 and not Rs. 45 per mensem prior to his appointment to the Subordinate Engineering Service. He is well qualified from a practical point of view, having been employed in the department almost continuously since the year 1908, and during that time he has gained considerable experience in bridge construction.

* 144. **Rai Bahadur Lala Sita Ram :** Will Government be pleased to state whether one Rahmat Ullah, a temporary sub-overseer of more than eight years' standing and drawing Rs. 55 per mensem, will draw only Rs. 87 per mensem?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The answer is in the affirmative.

* 145. **Rai Bahadur Lala Sita Ram :** Is it a fact that several other temporary sub-overseers drawing a salary of Rs. 55 to Rs. 65 and more and of a standing of more than eight years in the Public Works department will start with a salary of Rs. 87 per mensem in the Subordinate Engineering Service?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The answer is in the affirmative.

The position of temporary lower subordinates taken into the Subordinate Engineering Service was fixed in accordance with their pay, i.e., any man drawing a pay of Rs. 65 as a temporary lower subordinate was placed immediately below the permanent subordinates drawing the same pay. The reason for not giving temporary subordinates the full benefit of their length of service was that they obtained the advantage of becoming permanent pensionable in place of temporary unpensionable. Only one temporary sub-overseer was drawing more than Rs. 65 per mensem.

* 146. **Rai Bahadur Lala Sita Ram :** On what principles have the appointments to the Subordinate Engineering Service been made?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Appointments to the Subordinate Engineering Service in the Buildings and Roads branch have been made only on the grounds of merit. Subordinates were selected by the Deputy Chief Engineers in conference. The selections were approved by the Chief Engineer and myself.

* 147. **Rai Bahadur Lala Sita Ram :** Will the Government be pleased to state whether any Selection Board went into the individual cases? If so, which, and how long did it sit to decide the question?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The Selection Board consisted of the four Deputy Chief Engineers and the Chief Engineer who went into each case. The conference lasted about a week.

Rai Bahadur Lala Sita Ram : Does Government recognize the examinations of private engineering institutions in these provinces ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : We do not recognize their examinations, but we have just said that the man was not untrained.

LAWYERS IN ELECTION PETITION CASES.

* 148. **Rai Bahadur Lala Sita Ram :** Is there any restriction at present to the number of lawyers that may be engaged in election petition cases or the maximum legal fees that may be charged from the opposite party ? If not, will the Government be pleased to frame such directions or rules for future guidance ?

The Hon'ble Mr. S. P. O'Donnell : It is understood that the question refers to elections for the Legislative Council. If so, the answer to the first part of the question is in the negative. As regards the second part, this Government have no power to frame such directions or rules.

RELEASE OF KATARPUR PRISONERS.

* 149. **Rai Bahadur Lala Sita Ram :** Have the Government received any representation as to the release of Katarpur prisoners ? If so, have any orders been passed ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Several representations have been received. The Governor in Council has refused to release these prisoners at present except on medical grounds. The cases of all those who are undergoing sentences of imprisonment will be considered in due course by the Revising Boards.

Pandit Bhagwat Narayan Bhargava : Will Government state how long the Board will take to consider their case ?

The Hon'ble the President : How can Government state that ?

CONSTITUTIONAL REFORMS.

* 151. **Pandit Nanak Chand :** Will the Government be pleased to state if they will be pleased to lay on the table all correspondence which has passed between them and the Government of India in connection with the question of Constitutional Reforms for the Reforms Inquiry Committee appointed by the latter Government ?

The Hon'ble Mr. S. P. O'Donnell : Under the rules, correspondence with the Government of India cannot be laid upon the table.

Mr. Mukandi Lal : Can it be placed in the Library ?

(No answer.)

The Hon'ble the President : The time for questions is over.

TRAINING OF DRAWING TEACHERS.

* 152. **Pandit Nanak Chand :** (a) Has the attention of the Hon'ble the Minister for Education been drawn to the absence of facilities for and the desirability of making suitable arrangements for the training of drawing teachers in these provinces ?

(b) Will the Hon'ble Minister be pleased to state what action, if any, is proposed to be taken ?

The Hon'ble Rai Rajeshwar Bali : (a) Yes.

(b) The matter is under consideration.

PHYSICAL CULTURE.

***153. Pandit Nanak Chand :** Will the Hon'ble the Minister for Education be pleased to state—

- (a) if his attention has been drawn to the question of promoting physical culture among the masses and the revival and encouragement of old manly cut-door sports ;
- (b) what steps, if any, does the Government propose to take for the solution of this problem ?

The Hon'ble Rai Rajeshwar Bali : (a) Yes.

(b) The problem is being examined.

DISTRICT ADVISORY COMMITTEES.

*** 154. Pandit Nanak Chand :** What action has the Government so far taken and does it propose to take on the recommendation of this Council for the formation of district advisory committees ?

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to the answer given to his starred Question No. 56 on the 16th of December, 1924.

HILL EXODUS.

*** 155. Pandit Nanak Chand :** Will the Government be pleased to state for what maximum period do the Government propose to send the Government Secretariat to the summer capital in future years ?

The Hon'ble Mr. S. P. O'Donnell : The Government Secretariat remains at Allahabad throughout the year. A small Camp office accompanies the Government to Naini Tal for the hot weather and rains and no change in this practice is anticipated.

PUSA WHEAT.

*** 156. Thakur Sadho Singh :** Will the the Government be pleased to state the terms on which Pusa wheat has been advanced from Government godowns in Budaun and Pilibhit districts ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The method of seed distribution is described in paragraph 27 of the report for the year ending the 30th June, 1924, issued by the department of Agriculture.

CATTLE-SHED IN SHAHJAHANPUR FARM.

***157. Thakur Sadho Singh :** How much money was sanctioned for the cattle-shed in Shahjahanpur farm, and how much has it cost actually ? Who constructed and supervised it, and on what terms ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The building referred to by the honourable member consists of a cattle-shed, seed, implement, and fodder stores, and a chaff-cutting house. The total cost of the building amounted to Rs. 13,000. It was constructed departmentally under the direct supervision of the Deputy Director of Agriculture, Rohilkhand circle, Shahjahanpur.

AMALGAMATION OF POLICE STATIONS IN LUCKNOW.

* 158. **Maulvi Zahur-ud-din :** (a) Is the Government proposing to amalgamate the Cantonment Hazratganj police circle with that of the Chauk Lucknow, and to place it under one Deputy Superintendent of Police?

(b) Is it the intention to remove the inspector of police from that circle and to place it under a sub-inspector only?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) A proposal is before the Government to place a Deputy Superintendent of Police in charge of all the police circles of the city, Hazratganj and Cantonments instead of the four city police circles only, and to appoint a European inspector of police to Cantonments to work under the Deputy Superintendent of Police.

(b) If this proposal is approved it will necessitate the abolition of the post of inspector in charge of Hazratganj and Cantonments police circles. These police stations are already in charge of sub-inspectors. The proposed arrangement will reduce the number of inspectors by two in accordance with the wishes of the Council and will be economical from other points of view.

* 159. **Maulvi Zahur-ud-din :** (a) Were there any serious difficulties in the old arrangement? If so, what?

(b) Are there any administrative advantages in the new arrangement? If so, what?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) The answer is in the affirmative. At present with two officers of practically equal status in charge of these two adjoining areas, they encroach on each other's duties and there is lack of co-operation.

(b) The proposed arrangement will secure unity of control and a European Inspector is required to deal with cases affecting British soldiers and Europeans and to control traffic.

RASHTRIYA KANIYA PATHSHALA, BANDA.

* 160. **Thakur Keshava Chandra Singh Chaudhri :** (a) When was the Rashtriya Kanya Pathshala, Banda, established?

(b) Since when and what monthly grant has it been receiving from the district board, Banda?

(c) Over and above the monthly grants what special grants has it received from the district board, Banda, since the time it was established?

(d) Was the grant given to the pathshala ever recommended by any of the educational authorities of the Government?

(e) How many girls of the primary section and how many of the middle section are receiving education in the institution?

(f) Is it not a fact that all the girls receiving education in the pathshala are residents of Banda municipality?

(g) If not, will the Government be pleased to state how many girls receiving education belong to the rural area of the district?

The Hon'ble Rai Rajeshwar Bali : Inquiries are being made.

UNSTARRED QUESTIONS.

EXECUTIVE ENGINEERS OF EASTERN JUMNA CANAL.

1. **Chaudhri Jaswant Singh** : Will the Government be pleased to state why no European Executive Engineers and only Executive Engineers of one caste have been sent to the Lower division, Eastern Jumna canal, for a long time past ?

The Hon'ble Mr. S. P. O'Donnell : The large proportion of Indians in the service and the opening of new divisions on the Sarda Canals make it impossible to find European Executive Engineers for all divisions.

Since April, 1915, when the last European Executive Engineer left, the division has been held by Hindus for five years and by Muhammadans for four years and eight months.

VACANCY IN FOREST COMMITTEE.

6. **Babu Nemi Saran** : (a) Has any vacancy been created in the Forest Committee by Khan Bahadur Kunwar Inayat Ali Khan's ceasing to be a member of the Council?

(b) If so, when does the Government propose to fill the said vacancy ?

Mr. C. E. D. Peters : (a) Yes.

(b) The Legislative Council have been asked to elect a member during the current session of the Council to serve on the Forest Advisory Board in place of Khan Bahadur Kunwar Inayat Ali Khan, consequent on his ceasing to be a member of the Legislative Council.

COSTS IN PARTITION CASES.

7. **Thakur Sadho Singh** : (1) Is the Government aware of the hardship felt by landlords at the present scale of costs in partition cases ?

(2) Will the Government be pleased to reconsider this question with a view to substantial reduction, particularly for private partitions ?

Mr. C. E. D. Peters : (1) No.

(2) Government have no reason to believe that the rates are in any way excessive.

STANDING COMMITTEE ON PUBLICITY.

8. **Lala Mathura Prasad Mehrotra** : Will the Government be pleased to state the number of meetings held by the Standing Committee on Publicity in this year ?

Mr. G. B. Lambert : No meeting has been held this year.

GRANT IN-AID TO SANSKRIT PATHSHALAS.

9. **Babu Prasidh Narayan Anad** : Will the Government be pleased to allot funds for giving grants-in-aid through district boards to Sanskrit pathshalas in the villages ?

Kunwar Jagdish Prasad : Government do not consider that there are sufficient reasons for altering the present practice by which grants are made direct from provincial funds to oriental institutions.

STAFF OF THE AGRA MEDICAL SCHOOL.

10. **Rai Amba Prasad Sahib :** (1) Will the Government be pleased to state whether it is a fact that the transfers in the staff of the Agra Medical School have been more frequent in the years 1921—24 than in the preceding years?

(2) Is it a fact that some of the doctors asked for transfer from the Agra Medical School and some are trying to get transferred?

(3) If the answer to parts (1) and (2) be in the affirmative, will the Government be pleased to state the reasons for these transfers?

Mr. G. B. F. Muir : (1) Yes, as compared with the years 1917—20. There were four transfers during the years 1917—20 against six during 1921—24.

(2) Yes, two asked for transfer and have been transferred. One has now asked for transfer.

(3) Of the six transfers four were transferred in the ordinary conditions of service. Two were transferred at their own request.

MUNICIPAL ELECTION RULES.

11. **Thakur Shib Narayan Singh :** Has the Government been contemplating a revision of the Municipal Election Rules?

Mr. G. B. F. Muir : Yes.

12. **Thakur Shib Narayan Singh :** Were any suggestions invited from the boards?

Mr. G. B. F. Muir : Yes.

13. **Thakur Shib Narayan Singh :** When were the rules to be finally taken into consideration?

Mr. G. B. F. Muir : No date has been fixed.

14. **Thakur Shib Narayan Singh :** Has the Government yet arrived at any decision? If so, when does it intend to publish the new rules?

Mr. G. B. F. Muir : No. The second part of the question does not arise.

MEDICAL OFFICER OF HEALTH, ALIGARH.

15. **Thakur Shib Narayan Singh :** Did the Aligarh municipal board unanimously resolve to dispense with the services of its medical officer of health?

Mr. G. B. F. Muir : The municipal board has passed such a resolution.

16. **Thakur Shib Narayan Singh :** Has the Government now intimated to the board that it should employ a medical officer of health and that in case of refusal it shall be declared a city municipality in which case it shall be legally bound to keep a medical officer of health?

Mr. G. B. F. Muir : Yes.

ADJOURNMENT ON FRIDAYS FOR PRAYERS.

Hafiz Hidayat Husain : Before we commence the business of the day, I wish to represent to you that it is the unanimous wish of all the members of the Council that on Fridays, starting from today, the Council be adjourned for one hour instead of 45 minutes as on other days from 1 or 1-30 p.m. in order to enable the Muhammadan members to offer their prayers.

The Hon'ble the President : When the time comes I will see if there is any objection.

ANNOUNCEMENT OF THE COMPOSITION OF THE SELECT COMMITTEE 433
ON THE AMENDMENT OF THE STANDING ORDERS.

ANNOUNCEMENT OF THE COMPOSITION OF THE SELECT
COMMITTEE ON THE AMENDMENT OF THE STANDING
ORDERS.

The Hon'ble the President: Only seven valid nominations have been received. These seven are—

- (1) Raja Jagannath Bakhsh Singh.
- (2) Kunwar Surendra Pratap Sahi.
- (3) Rai Bahadur Thakur Mashal Singh.
- (4) Hafiz Hidayat Husain.
- (5) Khan Bahadur Maulvi Fasih-ud-din.
- (6) Dr. Ganesh Prasad.
- (7) Lala Mathura Prasad Mehrotra.

These are accordingly declared elected.

Rai Bahadur Lala Sita Ram: Is not the honourable mover of the amendments a member of the committee?

The Hon'ble the President: Under Standing Order 87 the President shall be Chairman of the Committee and the Deputy President shall be a member; and if Rai Bahadur Babu Vikramajit Singh will kindly act, I will ask him, a Chairman of Council, to be a member.

Rai Bahadur Babu Vikramajit Singh: Very well, Sir.

The Hon'ble the President: It is unfortunate that actually the mover of the amendments is not in the Committee, but he will probably be willing to come, if we ask him, and help us with his opinion as an expert. That, I think, we will be entitled to do on the analogy of Standing Order 45(4). He cannot vote, but if he is willing he can be there.

Rai Bahadur Lala Sita Ram: I wanted to know whether the honourable mover of the amendments will not be *ipso facto* a member of the committee?

The Hon'ble the President: I considered that, but it is not in my power. The composition of the committee is laid down in Standing Order 87.

Rai Bahadur Lala Sita Ram: In that case there will be nobody in the committee to explain the amendments.

The Hon'ble the President: That is why I hope that he will come in to give us the benefit of his advice as an expert.

RESOLUTION *re* MUSALMAN WAQFS.

Hafiz Hidayat Husain: Sir, I wish to propose the following resolution:—

“That this Council recommends to the Government to appoint a committee or committees to investigate into the existing condition of Musalman waqfs and endowments, both religious and charitable, and propose measures (1) for the proper maintenance and execution of the trusts in cases where they have been deflected from their original object, and (2) for the proper utilization of endowments of trusts in cases where there was failure of trust for any reason.”

In moving this resolution I desire to point out at the outset the necessity of having these committees and what object they are meant to

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serve. I say at once that these committees will be a corollary to, and a mere consequential relief of, the measure that has been lately applied to these provinces, for which the Muslim community is very grateful to the Government, and particularly to the Hon'ble Nawab of Chhatari. The only objection that can be urged against the creation of these committees is that they will constitute a lever in the hands of Government to interfere in the management of Muslim religious institutions. I desire to place before this honourable House some data from which the inference would be irresistible that not only will there be no interference on the part of Government with Muslim religious institutions by the creation of these committees, but from the very early times the hand of Government in the management of Muslim trusts has been recognized by the Muhammadan law and usage. Permit me to take you back to the times of Muhammadan domination and Muhammadan supremacy, both in this country and outside. In Arabic states there is, at least there used to be, if it is not now, what is called a board of inspections and grievances. It was called *Nazr-ul-Madarat*. This board was entrusted with the power of management and supervision of all trusts and endowments. Coming immediately to India we find from the *Ain-i-Akbari*, which is the recognized book that records the laws, institutions, and customs of Akbar's times, that special officers were appointed to supervise charitable institutions and Muslim waqfs. During the period of Aurangzeb we find that careful and vigilant supervision was exercised by Government officers over all charitable institutions and charitable waqfs. With the decay of the Muhammadan rule and the stepping in of the British Government, things did not materially alter, the Government recognized the duty of supervising these Muhammadan waqfs and charitable institutions. I take the earliest Regulation, Regulation XIX of 1810 of the Bengal Code. This expresses in very clear terms the position of the Government with regard to the Muhammadan charities. It invests the Board of Revenue with ample powers to supervise and control the Muhammadan waqfs. But principally on account of missionary zeal this supervision slackened as years rolled by, so that when we come to 1863 we find an enactment under which the old law was abrogated and in its place the mutawallis were given the control of all the properties that were trust properties. But even in that Act of 1863 we find that clause 7 of that Act conferred on the Local Government power to appoint committees for the supervision of these institutions. Either it was due to the fact that the election of these committees was rendered difficult by the provisions of the Act itself, or it was on account of the indifferent attitude of the community, but we find that things went from bad to worse till they came to such a pass that in the year 1885 and also 1886, the late Sir Syed Ahmad Khan, the great leader of the Muhammadan community in India, was forced to propose and pass resolutions in the Sessions of the Muhammadan Educational Conference recommending to the Government to take the supervision and management of Muslim waqfs in its hands. I need not detail here the arguments that were advanced at that time, because anybody who has read the Muhammadan Educational Conference literature of the old days will not fail to be struck by the force of the language, the force of the arguments, and the hard logic of facts by which those resolutions were supported. The resolutions pointed

out that if the British Government did not step in to preserve the waqfs, undoubtedly the waqf properties will pass on from the hands of the mutawallis into the hands of the unworthy descendants of the creators of the waqfs. At that time Sir William Hunter wrote a book on Indian Muhammadans and in that he has used very strong language against the Musalmans and also against the Government for having allowed the management of waqf properties to slip into the hands of greedy mutawallis and the waqf incomes to be diverted from their proper objects. Unfortunately, Sir, nothing was done till we come to the years 1910 to 1914. Between these two years—1910 to 1914—a representation was submitted to the Government of India by which they were asked to take up the administration of Muslim charitable institutions. It was urged on the Government of India that, unless and until the Government did so and efficiently supervised the management of these institutions, it would be impossible to expect the mutawallis not to grab to themselves the assets of the Muhammadan institutions. Particularly schools and maktabs would starve and Government would have to come forward with large amounts of public money to support the Muhammadan institutions. A committee was formed, but unfortunately the Great War broke out and nothing was done till we come to the year 1921 when in the Legislative Assembly the Muhammadan Waqfs Bill was introduced. This Bill was on the anvil for two years and became law in 1923. Now, Sir, this short history will suffice to tell you how solicitous the Muhammadans have throughout been with regard to the management of their trusts. They feel that once a property is dedicated by the creators of the waqfs it becomes the property of God, and every Muhammadan has got a right to insist that the wishes of the creator shall be faithfully followed. I refrain from referring to the provisions of the Civil Procedure Code, the Act XX of 1863, and also Act XIV of 1920, because they provide that it is only the people who are *interested* in the waqfs that could do anything to bring the mutawallis to book; the general Muslim public was left alone by these measures. I confess that the Act of 1923 is a great advance on the previous Acts; it places the Muhammadan waqfs on a somewhat safer foundation; and therefore, Sir, my thanks are due to the Government and, particularly, to the Hon'ble the Nawab Sahib of Chhatari, who have done so much to help in the preservation of these Muhammadan waqfs by applying this Act to these provinces. Under this Act of 1923 certain duties and certain obligations have been cast on mutawallis: under section 3 of the Act the mutwalli is required to render to the court a description of the waqf property, its gross annual income (gross amount collected), the amount of Government revenue, estimate of expenditure and the amount set apart for religious or charitable purposes: under section 4 of the Act further particulars can be obtained from the mutawalli under orders of the court: under section 5 of the Act the mutawalli has got to render accounts of all expenses to the court within three months from the 31st of March of the year in which the details required under section 3 have been rendered to the District Judge: under section 6, the accounts have to be audited. This Act, although it is a great advance on the previous enactments, does not, I submit, go far enough, and I believe, Sir, that the committee or committees which I advocate and which, if formed, will help in bringing to light those waqfs and waqf estates which are now, after the enactment of this Act, being studiously screened by the mutawallis for their own ends.

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This act only enables the mutawallis who are so minded to render the account. It does not go far enough, in so far as it does not compel anybody to render accounts or to produce the document which is the authority for a waqf to the court, if he is not so minded. The work of the committee, Sir, that I propose would be to make a list of all the properties. They will search out documents from the old settlement papers and records and from the registration offices and will place before the court cases in which the mutawalli who should have rendered accounts has not done so. It is perfectly true that this committee will be a Government committee and that this step will vest in Government certain powers. As I have said before, we should not be chary of it. Indeed I welcome any interference that is given in this matter on behalf of the Government, for the particular reason that I do not think that, if the Government does take this step of appointing committees, it interferes in any way whatsoever with the Muhammadan religious institutions. The Government's interference, if any, is justified by the precedent of Government undertaking to start Islamia schools and mak-tabs for teaching the Quran—primarily the concern of the Muhammadan community itself. The necessity of these committees was evidenced only yesterday when Dr. Shafa'at Ahmad Khan asked the Government to supply a list of waqfs and charitable institutions that existed in these provinces, and the reply of the Government naturally was that the Government was not in possession of these statistics and was not justified in calling for those statistics. I do not blame the Government for the answer, because the policy, let me say the mistaken policy, of the Government has been one of drift in these matters. Now that the Muhammadans themselves want the Government to help in the matter, I think the Government will be taking the right step if they profered aid in a case in which their help is urgently required.

The only other objection that could be put forward in this connection is that there is no reason to suppose that the Muhammadan community will lag behind now and will not unearth the Muhammadan waqfs that have remained uncared for for such a long time. I confess to my shame that the Muhammadan attitude has been so very apathetic in this respect that I despair of any action on the part of the community itself. I do not think there is any Muhammadan who has got either the time or the inclination to go about hunting for all these things. I think it is only the committee that I propose that can hunt out all old documents and bring them to light. I have no doubt that the Hon'ble the Nawab of Chhatari, whose attitude has been sympathetic in this matter so far, will consider this resolution from that attitude which its importance demands.

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Sir, I sympathize heartily with the motive of the honourable mover of this resolution, because I know that he is very anxious to see that the misappropriation of the income of waqfs should be stopped and that the mutawallis should be forced to spend it according to the intentions of the original waqif. I confess that I was disappointed to hear from the honourable mover that our community is so very careless in this respect that he is afraid that it may not take interest in the affairs of waqfs. I hope and I pray that his fears will prove groundless, because only the

other day we were told, and I believe it is so, that the Muhammadans as a community are interested in the waqfs and asked for the appliance of the Act. Nothing has happened in this short time to make them uninterested and I hope they will still take enough interest in the management of their waqfs. The honourable mover has said that it may be said by somebody that Government is trying to interfere in the management of the charitable endowments and religious waqfs. I can assure the honourable members that Government does not think that there is any ground for anybody to say that we are unnecessarily interfering in the religious affairs of the Musalman community, because whatever we did or whatever we do is according to the wishes of the honourable members of this House, who represent the Musalman community, and so we have done according to the wishes of the Musalman community. My only objection to accepting the resolution at present is that we have lately applied the Musalman Waqf Act to these provinces. It has hardly seen the light of the day. Let us first see as to how the Act works. At present I do not know if we can give any more powers to the members of the committees than what are already enjoyed by the Muslim public. A short time after the working of the Act, we shall be in a position to know whether it is at all necessary to constitute committees like those recommended by the honourable member with a view to prevent the misuse of waqf property. In the circumstances I shall beg the honourable member to kindly withdraw his resolution.

Maulvi Obaid-ur-Rahman Khan : I wish to move the adjournment of the House for an hour to enable us to offer our Friday prayers.

The Hon'ble the President : Earlier in the day Hafiz Hidayat Husain asked for the adjournment of the House at 1.30 p.m. and if the Muhammadans are not in a position to come to an agreement amongst themselves about the hour it is not possible for me to arrive at a conclusion. The best thing would be to let me know either privately or in Council when a conclusion is reached.

Hafiz Hidayat Husain : In view of the very sympathetic reply of the Hon'ble Minister, I beg to withdraw the resolution.

The resolution was, by leave of the Council, withdrawn.

Rai Bahadur Lala Sita Ram : I rise to a point of order, Sir. Several times in the past resolutions have been disallowed on the ground that the matter to which they referred was not the concern of the Local Government, for example my resolution on the transfer of more subjects and the resolutions of Pandit Govind Ballabh Pant and Dr. Ganesh Prasad. May I know how far the present resolution comes "within the concern of the Local Government"? It is a communication to be made to the Secretary of State for India. I do not at all events mean to be understood that I am not in sympathy with the resolution, but certainly I should like to know as to how far it falls within the concern of the Local Government.

The Hon'ble the President : As far as the President is concerned, I cannot reply to that. The duty of the President is to admit resolutions, if they come within the terms of the rules. The Governor is given the power by statute to disallow a resolution, and he can do so on two grounds, firstly, if it is not in the public interest and, secondly, if it is not the concern of the Local Government. If, therefore, the Governor has disallowed a resolution on one ground or the other, it is within his

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statutory discretion to do so and there can be no discussion of his decision in the Council.

Rai Bahadur Lala Sita Ram : Under standing orders I am precluded from reflecting on the conduct of the Governor. I merely wanted to know from you if the present resolution is the concern of the Local Government.

The Hon'ble the President : It is not for me to decide whether the matter of a resolution is the concern of the Local Government.

RESOLUTION *re* THE FURTHER REPRESENTATION OF THE AGRA LANDHOLDERS IN THE LEGISLATIVE COUNCIL.

Lieut. Raja Durga Narayan Singh : I beg to move—

That this Council recommends to the Government to communicate to the Secretary of State for India the opinion of the Council that the number of representatives of Agra landholders be raised from two to six in the Legislative Council.

This resolution is not new. In the last Council a similar resolution was brought forward by the Hon'ble the Nawab Sahib of Chhatari when he was a non-official member of the Council. Now, fortunately, he is occupying Government benches. Even then I am sure that he will give his full support to this resolution and thus will try to remove the grievance of all the Agra landlords as soon as possible. My object in moving this resolution is this that in the Agra province there are about 7 lakhs of zamindars big and small whose interests in the Council should be safeguarded. They have got a large area of land in their possession and on this account it is very desirable that their interests should be protected and their voice should be strong in the Council and they should thus be able to represent their case. Every one in this Council and outside the Council knows that landlords are daily losing their social status and their landed property. In old times they were considered the acknowledged leaders of the country and now what do we find? We find that they are not prominent in any way. So it is necessary for all of us to see that their interests are safeguarded. I may just point out to the Government that since the advent of the British Government the zamindars have always co-operated with it; they have always helped the Government in the matter of administration. In the days of the Mutiny there were very few who went against it and in large numbers they co-operated with it. They helped the Government and in recognition of those services they obtained jagirs. In the late war every one of us knows that they helped the Government with money and men. It will not be out of place to say that they do not ask for any favour, but as a matter of justice the Government ought to give them this representation. I admit, Sir, that the number of zamindars here in this Council is great at present, but I am not sure whether in future elections a similar number of zamindars will be returned to the Council or not. If the latter turns out to be true, then it is very desirable that their representation in this Council should be adequate. I may not be misunderstood that zamindars do not like the present change of circumstances. They always welcomed it and they will always welcome any other change for the better. But this should be remembered that

their interest along with the public interest should be equally safeguarded. It is not the desire of the zamindars that they should get seats in the Council at the expense of other constituencies, but they want that the strength of the Council should be increased by four. And I hope that if the Government recommends the case to the Secretary of State very strongly, then I am sure this sincere desire of the zamindars of Agra would be fulfilled ere long. One more point that I want to lay before this House is that in England there is a House of Lords which safeguards the interests of the landed aristocrat, but in India it is not so and hence it is desirable that some better means of safeguarding should be given here in the Council. I am thankful to my friend Babu Sangam Lal for sending an amendment that zamindars should get 12 seats, but he also adds in it that they should not be allowed to vote or to stand from any other constituency. I want to say, with your permission, Sir, a few words in Hindi. **छुट्टे होने गये थे लेकिन दुबे रह गये** That is very undesirable. I hope before he moves any such amendment in this honourable House, he will consider over it again. Lastly, I want to inform this honourable House that in the late Council when a similar resolution was moved it was passed unanimously, and I hope that my resolution will also be passed unanimously in this House.

Mr. Mukandi Lal : I question.

Lient. Raja Durga Narayan Singh : With these few words I commend the resolution for the acceptance of the Council.

Nawab Muhammad Yusuf : I rise to give my whole-hearted support to the resolution which has been moved by my honourable friend the Raja Sahib. Sir, this is a very old affair. As has been already pointed out, the Hon'ble Nawab Sahib of Chhatari moved a similar resolution in this House and it was carried unanimously, and the Government at that time gave an assurance—I will specially mention the name of the Hon'ble Mr. S. P. O'Donnell who was kind enough to give that assurance—that the opinion of this House would be forwarded to the higher authorities. We have not heard since then what has happened. We do not know whether our wishes have met with favour in the higher circles or what the fate of our request has been. My friend the mover has again brought this resolution. No doubt up till now we have been asking only for four seats for the Agra zamindars ; my friend has now asked for six seats ; but I will maintain that after all six is not too large a figure for us. We have a stake in the province ; we, the zamindars of the Agra province, contribute about three-fourths of the total revenue contributed by the landholders of the whole province. The total amount of revenue contributed by the landholders of this province, which comes to about half the total revenue of the province, is about seven crores and out of these seven crores three-fourths of it is paid by the landholders of Agra and they have always given a very good account of themselves. They have always stood by the Government and for the law and order and they have given their best, their intelligence, their money, their intellect and their influence for the best interests of the country. If this is the state of things, I fail to see why their representation should not be adequate, and why special representation should not be given to them. If four seats could be allotted to the landholders of Oudh, certainly six seats would

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not be too many for the landholders of Agra. It may be argued that the franchise was not sufficient. I would simply say that if three seats could be allotted to the two Chambers of Commerce, certainly six seats would not be too many for the landholders of the Agra province where, I think, the franchise is something like 600 and odd while the franchise of the two Chambers of Commerce is not more than 200 and odd. Then again as has been pointed out, that this House is a sort of House of Commons here. We have no Upper Chamber; we have no Senate. We have not got influences here at work which could steady the influences on the general deliberations of the House. Therefore, Sir, it is highly in the interests of the country itself that the element of landholders should be sufficiently strong to raise their voice and to exercise some control over extravagant views which might find favour in this House. Now, these are the three arguments which I have put forward in favour of six seats being given to the zamindars of the Agra province. Now I come to the wonderful amendment which has been moved by my friend, Mr. Sangam Lal.

The Hon'ble the President : That amendment has not been moved yet.

Nawab Muhammad Yusuf : With your permission, Sir, I may just briefly refer to it. I am aware that it has not been moved, but I think that I should anticipate it and refer to it.

The Hon'ble the President : The honourable member can do so when it is moved.

Nawab Muhammad Yusuf : I should like to make just one observation about it.

The Hon'ble the President : That amendment has not been moved yet.

Nawab Muhammad Yusuf : I am sorry that Mr. Sangam Lal should have given expression to a feeling which shows that he grudges the strong representation that he finds of the landholders in this House. I am sorry that he should do so. That reveals a curious mentality. I am sure his views do not reflect those of the swaraj party.

The Hon'ble the President : If the honourable member does not obey the ruling of the Chair, I must ask him to sit down. I have twice told him that the amendment is not before the Council. If the honourable member wishes to argue regarding other alternative schemes, he can do so. The amendment in question is not before the Council.

Nawab Muhammad Yusuf : I bow to your ruling, Sir. I hope my swarajist friends would either abstain from voting or come forward and give their whole-hearted support to the resolution which has been moved by the Raja Sahib of Tirwa. I further hope that the official members will either abstain from voting (voices of "No, No") or be free to vote as they like. The same attitude should be adopted now as was done when a similar resolution was moved on a former occasion. I would ask the Hon'ble the Finance Member to give us an assurance on behalf of the Government that the resolution with the proceedings of the Council will be sent up to the higher authorities for favourable consideration.

With these words I support the resolution.

Thakur Hanuman Singh: I seek your permission, Sir, to move an amendment to this resolution.

The Hon'ble the President: It is for the Council to give the requisite permission. What is the amendment which the honourable member proposes to move?

Thakur Hanuman Singh: In the sixth line of the resolution the word "four" be substituted for the word "six."

The Hon'ble the President: The honourable member's proposal is that in the last line of the resolution "four" be substituted for "six." Is there any objection to the amendment being moved?

No objection having been raised, the amendment was permitted to be moved.

Thakur Hanuman Singh: There is a further amendment which I propose to move with the permission of the Council. I wish to add the following words at the end of the resolution:—

"Without affecting the present number of representatives of other constituencies."

The Hon'ble the President: Is there any objection to this further amendment which seeks to add the words "without affecting the present number of representatives of other constituencies" in the end?

There being no objection, the honourable member was allowed to move it.

Thakur Hanuman Singh: A similar resolution was moved in 1923 in this Council by the Hon'ble Nawab Muhammad Ahmad Sa'id Khan Sahib and the Government had taken upon itself to communicate the views of this Council to the Government of India. We do not yet know what the Government of India did with the communication which was sent by this Government to them. It is a standing grievance of the landholders of the Agra province that their representation in this Council is very very small; specially when they consider the representation of the taluqdars of Oudh, they find themselves still more aggrieved. The number of zamindars in the Agra province is much larger than the number of taluqdars in Oudh and I think that the area which is in the occupation of the zamindars of the Agra province is also larger than the area in the possession of the Oudh taluqdars. Considering their number and their landed property I think they are entitled to a larger representation in this Council, and if the Government be not prepared to grant to them a larger representation I think they should at least get such representation as is given to the taluqdars of Oudh. In reply to the resolution of the Hon'ble Nawab Sahib of Chhatari the Hon'ble Mr. S. P. O'Donnell, the Finance Member, was pleased to say—I will quote only one sentence—"The existing distribution of seats, under which four seats have been allotted to Oudh and two to Agra was apparently based on the peculiar status and the corporate character of the great landlords of Oudh." Well, Sir, there is no doubt that the Oudh taluqdars are considered to possess higher status, but it is not a matter of status, Sir, it is a matter of safeguarding certain interests which are equally dear to the taluqdars of Oudh and to the zamindars of the province of Agra. If the zamindars of the province of Agra be given equal representation in this Council to that which has been given to the taluqdars of Oudh I think

[Thakur Hanuman Singh.]

the taluqdars of Oudh will lose nothing of their status. Mere sympathy with such a resolution on the part of Government will not serve the cause of the zamindars of Agra. The Government should recommend strongly to the Government of India to take the case of the zamindars of the province of Agra into its favourable consideration. And as there will soon be certain changes in the Government of India Act, 1919, it is high time that this representation of the zamindars of the province of Agra, with the strong recommendation of the Local Government should reach in time the Government of India so that it may give its best consideration to the question.

At this stage the Council adjourned for one hour.

After the adjournment the Deputy President took the chair.

Lala Mathura Prasad Mehrotra : An amendment also stands in my name, but as a similar amendment has already been moved by my honourable friend Thakur Hanuman Singh, I do not want now to move my own amendment and hence I confine myself to the resolution as amended. One of the chief and the main defects of the Reform Scheme is this that they have introduced the Parliamentary system of government not only in this province but in the whole of India without establishing two Chambers, the Upper and the Lower. And it is due to this that resolutions like this come up before the Council again and again. The question before us is about the representation of the landlords of the province of Agra. I think I speak nothing but truth when I say that they are the chief persons to get special representation in this Council as they have got great interest in the province. I had a talk this morning with a member of the swaraj party in which he told me that he wanted to give only twelve seats to the landlords out of 100 allotted to this Council. I find that he has also given notice of a similar amendment, but I do not know whether he is going to move it or not. Now just look at the mentality of the honourable member. He wants to give only twelve seats to us who are the natural representatives of the tenants. In support of this I will draw not only his but the attention of all the honourable members of this House to paragraph 147 of the Montagu-Chelmsford Report, which runs thus—

“The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent ancient and well-born families, and their estates are often the result of conquest or grants from some mediæval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so; and our aim must be to call many more of them out into the political lists.”

I do not think any person or party has a right to call himself a better well-wisher of the tenants than we, the zamindars. The prosperity of us depends upon the prosperity of our tenants. You all know that nobody can cut the branch of the tree upon which he is standing. If we try to destroy them, what will be our own fate? There are, of course, exceptions to this as there are exceptions in all other matters. But that does not mean that the whole class should be blamed. In support of this I will quote the remarks of Sir Harcourt Butler on the attitude which we maintained in connection with the Oudh Rent Bill.

He says :—" The Oudh Rent Act goes much farther in the protection of the tenantry in either province than has ever been contemplated before, by introducing the new principle of general tenant rights, i.e., protection for all tenants independently of the consent of the landlords, and that Act was passed by the consent of the landlords themselves." From this we know, Sir, that we gave our consent to this Act because we ourselves wanted to better the condition of our tenants.

Now, Sir, this resolution was once moved by my friend the Hon'ble the Nawab of Chhatari on the 22nd March, 1923. In his reply the Hon'ble the Finance Member advanced one chief argument—one and the one only. I will just read that argument of his and then give my own reply. He says :—" The Joint Parliamentary Committee however recommended that the franchise is settled by rules and should not be altered for ten years and in view of that very definite pronouncement we do not think we should be in order in pressing the Government of India to make or rather to ask the Secretary of State to sanction, any change in the rules." Sir, the Government of India Act does not say like that. I will also read the clause of the Act before saying anything. The clause runs thus—I am quoting from the Government of India Act, section 72A :—

" The number of members of the Governor's Legislative Council shall be in accordance with the table set out in the first schedule of this Act, and of the members of each Council not more than 20 per cent. shall be official members and at least 70 per cent. shall be elected members :

Provided that (a) subject to the maintenance of the above proportion rules under this Act may *provide for increasing the number of members of any Council* as specified in that schedule."

So we find that the Government can increase the number of seats. In this very Council there were at first 118 members and that number has since increased to 123. This shows that an increase was made and hence can be made if required. I will give you another example. After the passage of the Reform Act the Dacca University and the Nagpur University were given seats in their respective Councils. Thus not only were the numbers increased, but new constituencies were also created. This resolution only demands an increase in the number. So I think that even that argument does not stand. There is another objection which I think will be advanced by the opponents of this resolution, and it is that we have got a sufficient number of seats in the present Council. They say :—" look at the number of the present Council." Sir, it was by a mere chance that we were able to secure a number of seats in the present Council. But who can come forward and guarantee that we will be able to secure the same number of seats in future as well when men of the ability and standing of Mr. Chintamani and Pandit Hirday Nath Kunzru could not get through. So it is essential for us, the landlords, to have our seats specified. With these words I heartily support the amended resolution.

Raja Jagannath Bakhsh Singh : The resolution that is before the House concerns the principle of protection of special interests. This point is perhaps a contentious point in the constitution of every country and therefore this resolution has particular importance attached

[Raja Jagannath Bakhsh Singh.]

to it. I do not like to deal with the broad and difficult issues this afternoon. In this connection I would only point out that, as far as this country is concerned, not only in the case of different communities, not only in the case of different classes, but also in the case of certain trades and professions preference and protection of special interests has been considered necessary and desirable. This particular resolution, as has already been referred to by different honourable speakers who have spoken before me, was moved by the Hon'ble Nawab Sahib of Chhatari on the 22nd March, 1923. The honourable mover then made out a very strong case in its favour. He summarized almost all the important pronouncements on this question. He cited the views of the then Secretary of State for India, Mr. Montagu, to whose memory the Council paid a right tribute the other day. The Hon'ble Nawab Sahib pointed out that the framers of the Montagu-Chelmsford Report, as it has been called, were in favour of giving such rights to the zamindars. He further pointed out the opinions of the Southborough Committee which has no small bearing on this subject and then the report of the Joint Parliamentary Committee. He showed to the House that all the three important authorities mentioned above were in favour of protecting such interests, and that they recognized the claims of important bodies, which includes the zamindars of Agra and Oudh. The principle once for all was accepted by this House. Not only it was well argued and well proved by the mover but also the then party in opposition to the Government, I mean the progressive party as it was then composed, was in its favour and an important member of that party, the honourable member for South Meerut, supported the resolution. In fact he brought an amendment which made the scope of the resolution much wider than what it had when moved. I have only to say before this House that the resolution which is moved by the honourable member for Farrukhabad has been amended by the honourable member for Ballia. It now stands on the same footing as accepted by this House on the 22nd March, 1923. There is hardly any reason for me to doubt the unanimous support of this House today, but for the fact that the honourable member near me has given a signal of suspicion about the unanimous support to this resolution. Let me hope that there will be no opposition to it; but if there is, I might put it to the good sense of the party in opposition to His Majesty's Government today to consider the traditions of this House which they are following before they give their verdict against the judgment pronounced in the preceding Council. Sir, this is for the principle so far as it is concerned.

Now, Sir, about the demand itself. The demand made in the resolution, as it stands before the House, is for six. That demand too has been altered to four, and, as I have already pointed out, the demand also stands just as it was accepted on the last occasion. Sir, there is hardly any other point to make out about the resolution which has once been accepted. We now bring this resolution not for the acceptance of this House because that is practically in a way assured to us. We now want to know as to what the Government has been pleased to do in connection with its promise given to us on the last occasion, as to whether the matter has been referred to the Government of India, as to whether this Government is in a position to give us some information about the views held by the Government of India. These are the

objects for which we have brought this resolution today, and I hope that the Government will, as it has been favourable towards this demand in the past, consider it in the same way desirable and reasonable, as has been pointed out by the different members who quoted the speech of the present Hon'ble Finance Member. In case, Sir, there is an opposition, I hope that the official benches will be free to vote on this resolution as they were on the last occasion. With these few observations I give my strong support to this resolution.

Dr. Ganesh Prasad : Probably this honourable House would like to hear the views of one whose name probably figures in the land revenue registers of the Ballia district, but who cannot claim to have the right to belong to the class to which the honourable speakers who have spoken before him belong. I wish to place before this House a certain aspect of the question which has not yet been touched by the previous speakers. It seems to me that at the present moment there is absolutely no necessity for the Agra landholders to press this motion for the acceptance of the Government and for any change in the number of their representatives. When I say that there is no necessity for any increase in the number of the representatives of the Agra landholders I do not mean that I am not in sympathy with the resolution. I do sympathize with my friends, the landholders. I do agree with some of my colleagues who have spoken before me that the landholders have a right to be considered to be the mouthpieces of the masses. But I should say that they have not the sole right to be such mouthpieces and that there are others who can claim that right. I wish to place before the Council the views of those people who think that the monopoly of being representatives of the masses is not vested in the landholders alone. In these province we have got four universities and there is likely to be a fifth university in the near future. But what is the representation of those universities other than the Allahabad University? Practically nothing. I stand here as the representative of the Allahabad University constituency, but I beg to say that the Lucknow University has as much right to be represented in this Council as the Allahabad University. Similarly, the Aligarh University and the Benares University have every right to be represented in this Council. Sir, it is only right that I should speak on behalf of those universities, because I am at the present moment intimately associated with almost all of them and probably when the Agra University comes into existence my name would in some way or other be associated with that University as well. I want my friends who belong to the land-holding class to realize that their cause would not suffer at the hands of those people who have received liberal education and who have every right to consider themselves to be the representatives of all communities, irrespective of the question whether they themselves belong to the land-holding class or not. I would invite the attention of my friends to what has happened in Bengal. In Bengal there are five representatives of the Bengal zamindars, one for each of the five divisions. Every one of them is as much a progressive as anyone can be. There is at least one of them who is probably more of a progressive than my friend who comes from Allahabad—I mean Babu Sangam Lal. I am referring to Kumar Shib Shikhashwar Roy, who is a brilliant alumnus of the Allahabad University and who is the one of the leaders of the Independent party

[Dr. Ganesh Prasad.]

in the Bengal Legislative Council. I would therefore request my friends of the land-holding class to give some kind of assurance of their sympathy for the resolution that may be brought forward in the near future for the representation of those four universities that I have already mentioned. If you consider the question of increasing the number of representatives in the Legislative Council you will find that it is not a very simple question. I do heartily sympathize with the Government in their difficulties. It is not an easy matter to give by one stroke of the pen two more representatives to the Landholders' Association of Agra which has already got two of its representatives here and not to consider with sympathy the cases of other classes which remain unrepresented. In Bengal there are 125 members, but although the population of Bengal is about the same as that of these provinces, the interests to be represented on the Bengal Legislative Council are more various than we have got here. Therefore I do feel that it is not desirable that this Council should press the Government to come to a decision in the very very near future, especially when, if no decision is arrived at in the near future, the interest of the land-holding class will not suffer. So far as the case of the universities is concerned, I will place before my honourable friends the figures relating to the universities in Great Britain. There are 15 universities in Great Britain, and many of those universities have come into existence in the near past. Every one of those universities is represented in the Parliament. The Cambridge and Oxford universities are represented by two seats each. The four Scottish universities are represented by three seats altogether. The seven new universities which came into existence lately, viz., Durham, Sheffield, Manchester, etc., are all represented by only two seats. The Welsh University is represented by one seat. I do not insist that the universities that have recently come into existence in these provinces should be given the same representation as the Allahabad University, although I should make it clear that I shall be extremely happy if all the universities are put on the same footing as the Allahabad University. However, the Government can solve the problem of the representative of these universities in any one of various ways which are possible. My friends of the land-owning class will realize that if a solution of this problem has been arrived at in Great Britain there is no reason why the same solution should not be arrived at here. If you will look into the constitution of the various universities, you will find that there is as much chance of the Benares Hindu University, for example, be represented in the Legislative Council by a landed magnate like Raja Moti Chand as by a landless scholar. Similarly, from the Lucknow University my friend, say Raja Jagannath Bakhsh Singh or Kunwar Rajendra Singh, can very well be returned. Precisely the same is the case with the Aligarh University and the would-be University at Agra. To sum up, I have three points to urge. Firstly, I do maintain that the landholders of Agra have a grievance. I do not wish to say one word about the taluqdars of Oudh in this connection. Secondly, I am of opinion that the Agra landholders should not press the Government to remedy or remove this grievance, which, if I may say so, without disrespect to the zamindars of the province of Agra, is of a purely sentimental character. Thirdly, I wish to make it clear that if the land-holding class will promise that they will support the

resolution asking for representation for the universities of Aligarh, Benares, Lucknow and the would-be University of Agra, when it is brought before the Council, I and some of my friends will wholeheartedly support the resolution at present before the house.

The Hon'ble Mr. S. P. O'Donnell: This resolution is on the same lines, and if amended, as it has been proposed to amend it, is identical with the resolution that was moved by my friend, the Hon'ble Minister of Industries, last year. Speaking on that resolution, I stated that it was one with which the Government were not lacking in sympathy. The existing distribution of seats, under which four seats have been allotted to Oudh and two to Agra, appears to have been based on the peculiar status and the corporate capacity of the great landlords of Oudh. These are important factors, but when due weight has been given to them, it is not altogether easy to justify the allocation to the Agra zamindars of only two seats. It is certainly arguable that the disproportion is greater than the disparity in the conditions warrants. At the same time, as I pointed out last year, is there is this difficulty. There may be differences of opinion as to the precise scope of the recommendations of the Joint Parliamentary Committee, but from the fact that the electorates have been determined by rules approved by Parliament, it is inferrible that it was intended that they should not be altered for a considerable period. For that reason we did not feel that we would be in order in pressing the change upon the Government of India. We undertook, however, to forward the resolution, if carried, to the Government of India for transmission to the Secretary of State, and that has been done. As I intimated in reply to a question in the Council, the answer received was that the Secretary of State had decided that the question of the adequacy of the representation of the Agra zamindars must wait till a general revision of the franchise is made. If this resolution is carried today (As far as the official members are concerned, there will be a free vote), it will be forwarded to the Government of India. I cannot say what the answer will be, though it would be wrong for us to suggest that it is likely to be different from the answer previously received. Still the resolution is one with which we sympathize, and we shall be very glad to forward it for consideration.

Lieut. Nawab Jamshed Ali Khan: I rise to support the resolution. After the speech of the Hon'ble the Finance Member, I have not much to say on the subject. The resolution under discussion is not new. It was moved in the late Council by the Hon'ble Minister of Industries in his non-official capacity, and the fact that it was passed unanimously shows that the case was very convincing and strong. As we all know, India is an agricultural country, and it is but natural that the rights of the rural population should be safeguarded. At the same time, there is no denying the fact that the representation granted to the landholders of Agra is totally inadequate to the number and importance of the Agra zamindars, and bears no comparison with the representation allowed to some special constituencies like the Chamber of Commerce. With these few words I wholeheartedly support the resolution.

Khan Bahadur Maulvi Muhammad Fasih-ud-din I give my unshin-
ted support to the original resolution of my honourable friend the Raja
Sahib of Tirwa. I did not intend to speak on the subject, but I think

[Khan Bahadur Maulvi Muhammad Faish-ud-din.]

that the remarks which have emanated from my friend, the member for the Allahabad university, makes it necessary for me to have my say on this occasion. The honourable member for the university has said in so many words that he has his sympathy with this resolution, but that he wanted an assurance before giving his vote in favour of this resolution that we will all join in giving the vote for a future resolution for providing a seat for the remaining three universities of these provinces. So far as I am concerned, and I think I may say on behalf of my friends also that so far as they are concerned we give him a solemn pledge hereby that we will vote for him. I, however, would make one remark and I hope my honourable friend will forgive me for making that remark. There was a hungry student. His teacher asked him "what is the sum total of 1 plus 1". The reply was "Two loaves of bread": so our friend never forgets his 'university'. The principle of representation of the special interests of land-owning classes of these provinces has been admitted by the Government, and the reasons of this admission have been very fully given in the despatch, a quotation from which has been read out by one of the speakers this afternoon. When this is so, the question arises as to why four seats should be allowed to Oudh with two commissionerships and 12 districts and only two seats should be allowed to the Agra Province with eight commissionerships and 36 districts. This is a disparity, which, as the Hon'ble Finance Member himself admits, is very much noticeable. As to the claim for six seats which the honourable mover of this resolution has put forward, I will only submit that there are 8 divisions in the Agra province, and if I were in his place, I would have claimed eight seats, that is one for each division instead of about three-fourths of a seat for one division. However, this is, so far as I think, a minor question and I do not insist on it, because, if the honourable mover of this resolution waives his claim for six seats in favour of the amendment, I have, personally speaking, to fall back on the amendment itself. I find from some of the speeches that have been delivered this afternoon that there are some people going about who seem to think that the present number of seats which have been allotted to the zamindars of these provinces is quite sufficient. I do not blame these people for saying so, because I know that they have a sort of lurking suspicion in their mind that the zamindar is a reactionary; that he is a drag on the future development of India. If they sincerely say so, I do not quarrel with them for this idea of theirs. But I remind them that, in spite of the fact that they have been slow to go with the times, there are certainly amongst them many people, not few, who are so advanced and who are so enlightened that if they happened to belong to any political party they would be a source of pride for that party, and the shower of abuse and upbraidings that has been hurled at their faces since the political awakening of India has made them alive to the sense of their responsibility. The saying that good cometh out of evil has never been exemplified in a better way than in the case of zamindars of these provinces. I want to make it clear that by claiming six seats for the Agra province I do not in the least belittle or minimize the importance of Oudh, the magnates of which possess a unique position, not only within the narrow limits of their province but throughout the whole length and breadth of India. I sincerely think that the number of four seats is not too much for them.

It is after all but a poor gift for the splendid history they have at their back and for their position amongst the elite of India. The zamindars, I submit, have got so much at stake in the country. Besides, they have contributed so much to promote the benevolent institutions not only of this province but of the whole of India. They pay so much cesses to district boards for the upkeep of hospitals and schools. The most benevolent personality in this Council is the Hon'ble the Home Member who has contributed any amount of money for national institutions. Besides, I think the houses of the two Hon'ble Ministers are the rendezvous of the national workers spoken of by Mr. David yesterday. Thus I think it is but right that the zamindars should have a sort of special representation adequate to their needs in this Council. The increase of six or four seats in this Council will not matter very much. I hope that the Government will see its way to add the quota of its recommendation to the recommendation of this honourable House if it accepts this resolution.

Rao Abdul Hamid Khan: I rise to support the resolution which is before the Council. The position, status and the influence of the landlords in these provinces entirely justifies their demand for more representation. My frank and honest conviction is that the landlords can represent the tenantry in the Council better than any other class of people, because they are interdependent upon each other. The fact that landlords are in a majority in this Council proves that they enjoy the trust and the confidence of the public more than any other class of politicians. With these few words I support the resolution.

Pandit Govind Ballabh Pant: I really regret that this resolution should have been brought before this House at this time. It would have been much better if this too had been ruled out like Thakur Manjit Singh's resolution which was I believe of much less far-reaching character, but any way it has been admitted and it has been discussed so long. I only hope that it will not prove another apple of discord as it may be designed to be or it may accidentally happen to be. I find myself in a peculiarly difficult position. So far as our regard for the zamindars is concerned it is unstinted and unreserved. Their name has always been associated with benevolent educational and other activities and they have done much for the good of the province. On the other hand we do not want the zamindars to remain away from us; we want them to be part and parcel of ourselves; we want to remove any line of distinction that may have existed so far. They are advanced enough; their nationalistic ideas are as good as those of many others, though, owing to the situation which they occupy the attitude which they have to adopt towards those with whom they have to deal more closely perhaps than many of us may impose certain restraints upon them, but so far as the good of the country is concerned, I should think that they have as large a heart as any of us. So if we are unable to support this proposal that is before the House at present, it is not because of our distrust of them, it is not because of our lack of recognition of the good they have done to the country, but because a vicious principle if perpetuated leads to the growth of vice and consequently it must be eliminated as soon as circumstances permit. Any way nobody should be allowed to feed fat on vice in order to propagate it further. The points of difference between various groups in India

[Pandit Govind Ballabh Pant.]

have been emphasized and much stress has been laid so far upon them. Are there in reality any points of difference? Is there any necessity for providing any safeguards for protecting the interests of the zamindars? Where is it that their interests differ and from whom? So far as the rates of seats allotted to the taluqdars of Oudh to those allotted to the zamindars of Agra is concerned, I need not apply myself to that at all, as I am concerned with a question and a principle of a more comprehensive character. What and from whom do the interests of the zamindars differ? Is it from the tenants or is it from the urban class? If they differ from those of the urban class then the representatives of the latter class on the Council are much less in number than those of the rural parts. If it is asserted that there is a conflict of interests between zamindars and tenants, then you are setting up a principle which will bring Nemesis in its wake and that of a disastrous character. Why should you encourage a sentiment in the tenants that zamindars are so situated that they want to be safeguarded against them? Why should not the tenants feel that zamindars are one with them and that their interests are identical with them? I have just heard that the progress of the country depends on agriculture. I have just heard that the agricultural interests deserve the greatest consideration. I hope the honourable members on the other side will pardon me for saying that we realize the importance of that statement. We realize the vitality of that subject. We feel that it is the agricultural interests, it is the agricultural classes, it is the peasantry and the zamindars on whom the future of this province depends. It is because of the realization of that fact that we do not want to widen the gulf or broaden the differences, if any have been introduced, between the zamindars and tenants by means of special electorates. After all who are here in larger numbers? Is it the tenants or is it the zamindars or the urban classes? Whom are you going to protect by adding to the numbers? If I had asked for protection for tenants because of the present state of things, it would have been right, because so far as I know there are very few here who can claim to belong to that honourable class. Perhaps there might have been some plausibility about my argument taking the present alone into consideration. But when I see the zamindars of the province arrayed before us here, and that in such fine order, it does not look very generous on their part to come forward with further claims. Well, times may change, they say. Let us assume for the moment that times will change. What will it come to then? If the interest of the zamindars and tenants are identical, the times can change only in bringing a larger number of tenants. So far as the agricultural interests are concerned, they will be as strongly and as soundly looked after then as they are today. On the other hand the zamindars profess that their interests do not differ from those of the tenants. Such being the case I submit that their plea for more representation on the Council becomes much weaker. For whom do you seek the protection? For those who are in large numbers here or for those who are practically not represented at all? I accordingly submit that it is because I hold that the tenants and the zamindars should form one body, because I hold that every one who has a vote must be entitled to use it not for any particular individual but for the good of the country, for the promotion of progress, order, liberty and emancipation of the land that I think it is not proper to encourage any sort of

differences which may have accidentally crept into the system. It is only on account of the fact, Sir, that we feel that we will not be serving the best interests of the zamindars or of the province or of the country by further emphasizing the imaginary line of difference which has length but no breadth that I have come forward to oppose this proposition. I assure the honourable members of the aristocratic class that we do not in the least mean to cast any reflection on their importance and on the position which they deservedly hold, but after all we have to look to the higher interests. If for the time being I am unable to appreciate the needs of the country and the necessities of the times or if the lights within me lead me to a further and different line from that of others, it becomes necessary for the latter to warn me not on the right track. Now what will it lead to? Suppose the zamindars have four representatives or six representatives that I am. If the general electorate has interests opposed to those of the zamindars, what will these six seats matter? What position will you have? Not much better than ours. I tell you, we are more than six here, but still it is very seldom that we can make ourselves felt and the Hon'ble the Finance Member as the leader of the House has very seldom to bother about it. So I submit and tell you that the number of two or four will not make a very vast difference. If the interests are identical, then please for the sake of the country, for the sake of progress, for the sake of liberty which is the vision of all of us, wipe off that imaginary line as soon as may be; at least do not lay any further stress on it and do not build any further walls of prejudice which only shut us from one another and there by create needless misunderstandings which have absolutely no reason to be there.

I do not consider it necessary to go into the question of history. The matter has been discussed again and again outside and it has also been discussed on the floor of this House previously. But the Southborough Committee held their inquiry and I had an opportunity of seeing the original notes that were prepared by the Government in that connection as I had the honour of appearing before both the committees. I believe that this distinction came in because there had been a recognition of that principle in the past. Now it is rather a very queer way of doing things that because something has been there, though it be on principle unsound, still in order to bring that injustice in line with the injustice that is already existing in the other scale of the balance, we should raise it up. That is not the right way of doing justice at least. I feel it . .

Nawab Muhammad Yusuf: What about the representation of the universities?

Pandit Govind Ballabh Pant: Well I have no objection if you take it away. Only I will then manage, so far as it will lie in my power to get Dr. Ganesh Prasad through some other constituency.

Dr. Ganesh Prasad: I would not like to stand from any other constituency.

Raja Jagannath Bakhsh Singh: What about the Chambers of Commerce?

Pandit Govind Ballabh Pant : Well, I am asked about Commerce. I would submit that so far as Commerce is concerned, there is a certain amount of suspicion of racial interest in the matter. So long as we cannot bring the Europeans and Indians closer, which should be the aim of each of us who are in the national field, I will not grudge it. But on the question of principle, I submit that the constituencies of the University as well as of Commerce stand on a different footing from that of the zamindars. For, if the zamindars seek special protection, I venture to submit it is only against the tenants, and that principle I would not like to be introduced in the polity of our province.

Raja Jagannath Bakhsh Singh : Not against tenants.

Pandit Govind Ballabh Pant : That is my humble submission. You may rule it out. Because most of the voters are tenants in rural constituencies, and if their interests are identical with those of the zamindars, why should the zamindars seek special protection? The tenants will send only those people who will protect their interests. I remember—if I am wrong I am open to correction—that in the Montagu-Chelmsford Report it is stated that the subject of land revenue is not being transferred as the authors apprehended that the tenants would not be adequately represented in the Council. If that impression of mine is correct, then what I feel is that from the outset the apprehension of the Government and the authors of the scheme has rather been that it is the tenants whose interests will not be fully looked after in these Councils. It is some times said that there is a sympathy between vested interests, but I consider that we all have vested interests and we all have common sympathy, because we all have one common interest and that it is the good of our country. But if you take a false view of vested interests and say that it is the interest of those who are holding the lion's share in the administration on the one side and in land and business on the other, then perhaps such a false combination may lead one party to support the other for the time being, but that cannot be based on grounds of justice. I feel that it is the weakest and the poorest who, if any, should be protected; but I would not like even to encourage such special protection for them.

It is no use referring to the House of Lords or to other places. There the development has been on different lines: their oligarchy has gradually enlarged itself into democracy. Here we are beginning with a certain advantage, so false analogies taken from other institutions do not suit our circumstances as we are moving in different times. I never meant to argue, but unfortunately I have happened to introduce some arguments. I would beg of the zamindars not to misunderstand me, and I assure them that our inability to support this resolution does not in any way indicate any lack of regard on our part for their position or for their interests. It is only the good of the country which we think requires that there should be no divisions, and that at least divisions should not be accentuated.

Raja Shambu Dayal spoke in Urdu.

Rai Sahib Jagdish Prasad moved for closure of the debate.

The Hon'ble the Deputy President : I accept the motion for closure.

Lieut. Raja Durga Narayan Singh: First of all it is my duty to thank the Government for the assurance they gave regarding my humble resolution. In this connection I would simply request the Government that unless and until the case of the zamindars is specially dealt with, no good result can be in sight. And unless and until the Government gives a strong note of recommendation on the proceedings of this debate, I think it will not do our cause much good. As it was just pointed out by Dr. Ganesh Prasad that some seats for the Universities should be allotted. My honourable friend Mr. Mehra brought a resolution the other day asking for a seat for the Lucknow University, but unfortunately that resolution could not be discussed in the Council. I can assure the Dr. Sahib that whenever such a resolution will come into the Council I will be the first man to support it.

(Pandit Nanak Chand: For Benares and Aligarh Universities as well?)

Sir, it is very desirable at this moment to inform our Muslim brothers that when the seats of the zamindars will be increased, in that case their community will be benefited also. I do not wish to say much more on this point, but I will thank those members who have supported my resolution. Sir, the amendment which Thakur Hanuman Singh moved—I have no objections to it.

The amendments moved by Thakur Hanuman Singh were put and adopted.

The resolution as amended was then put and adopted.

RESOLUTION *re* MEASURES OF PROTECTION AGAINST FLOODS.

The following resolution standing in the name of Mr. Muhammad Aslam Saifi was withdrawn :—

That this Council recommends to the Government that the preparation of a contour map of the area extending to five miles on each bank of the rivers which are subject to periodical floods be undertaken at once, and stone pillars indicating flood lines be created at suitable places near the khadir villages to make the flood warnings issued by the canal headworks more intelligible to the residents of the khadir area.

RESOLUTION *re* GRAZING FEES.

[During this speech the Hon'ble the President resumed the Chair.]

Pandit Govind Ballabh Pant: I move the resolution standing in my name which runs :

"That this Council recommends to the Local Government to store the rates of grazing fees that were in force in the Government forests and Government estates until 1922-23 and to refund the enhanced fees realized last year."

I regret the necessity of having to bring this question before this House in the form of a resolution. I have perhaps exhausted all possible avenues that were open to me in order to obtain redress; but having failed in all my effort, this is my last and desperate effort. I hope the Council will record its opinion on the question and will show that the

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suggestions and requests that have been made by me so far were not unreasonable. Early this year I put a few questions asking if there had been any increase in the rates of grazing fee, etc., and, if so, if there would be any possibility of the original rates being re-introduced. It was after some sessions that I could get the answer to the question. On the 3rd April, 1924 we were told that the grazing fees levied on buffaloes, bullocks and cows were Re. 1-8 and 12 annas each respectively. That was in the Government estates and some of the forests situated close by. That there was an enhancement from one rupee to one rupee eight annas and from eight annas to twelve is also admitted. It was said that the enhanced grazing fees were sanctioned by Government and the other rules by the Commissioner before they were enforced on 1st October, 1923. That there was an enhancement is admitted, that the enhancement was 50 per cent. on the original rates is also admitted. My submission is that this enhancement should not have been made, and if it has been made, probably without knowledge of all the facts, then there should be a reduction of the rates, so that the original rates may be re-introduced. I can say that there is already much hardship among the agricultural and pastoral classes. Government has been thinking of measures of relief. There has been a sort of calamity which has caused trouble all over, but even if there had been nothing of this character, I would have still brought forward the motion which I am now placing before the House. There is a dearth of cattle in the country as well as in the province. The numbers are going down, as has been repeatedly admitted in the cattle census reports. There is a dearth of dairy produce and good breeding-cattle and even of plough cattle. Measures have been initiated with a view to get over this difficulty. In fact a large amount of money is being spent on measures connected with it. In some places cattle farms have been opened in order to get fit and proper type of cattle. The Government in the days of Sir John Hewett had a cattle conference specially to deal with this question. After that other efforts have been made—even now we have a cattle-breeding committee. In the year 1922 I think a provision of more than 4 lakhs was made with a view to reclaim certain land in Gorakhpur so that grazing facilities might be obtained, and other sorts of expenditure have been incurred with a view to get over the difficulty of grazing. Under these circumstances the fact is obvious, that there is need of encouraging the growth of cattle, of making them more efficient, of encouraging people to take cattle-breeding and of giving every sort of encouragement to that profession. Nothing should be done that may in the least cause any discouragement or difficulty to that class. Under these circumstances I submit that if you take into consideration the state of things as they prevail in Government estates matters will look worse. As the House is aware, in the Naini Tal district, specially in Tarai and Bhabar, to which parts this rule applies, there has been a fall in the population, which comes to about 25 per cent. There, as everybody knows, the climate is almost of a fatal character. The people who carry on any sort of agricultural business do it at very great risk. So those parts are specially entitled to consideration. But what we find is that the grazing fees have actually been increased, and the increase presses heavily on those parts. I asked last year about the rates that obtained in other places, and the answer I got in April last was: "In the Western circle the ordinary fully grazing rates in force at present are:—annas eight per

cow, bullock, etc., and one rupee per buffalo. In three divisions these rates have been recently raised to 12 annas and Re. 1-8. These three divisions are those to which I am referring in my speech and which are covered by my resolution. Then I also asked about the Eastern circle. For the Eastern circle the rates are given here, and we find that in North Kheri division the rates are one anna to Re. 1, and South Kheri Re. 1 to eight annas. So that, if you please look at the statement given on page 25 you will find that the rates in other places are lower than the rates introduced in those parts. So there is absolutely no reason why such an increase should have been allowed, specially in those parts where the people are hard pressed already.

We were told that there had been an increase in the price of dairy produce, of milk, etc., and it was on that account that the rates have been increased. In fact, I put a series of questions in order to find out the correctness of this statement, and the Government has not been able to get answers to those questions. The questions are given on page 191 of the report of the proceedings for the 8th September, 1924. They are:—

“Will the Government be pleased to state what amount of the revenue from grazing in Naini Tal district is paid by the cultivators and professional graziers respectively ?

How many cattle in Tarai and Bhabar were killed by wild animals, how many were lost or stolen, and how many died on account of contagious diseases during the last three years ?

Is it a fact that most of the khattawalas (keepers of cattle stations) are heavily indebted ?

How many and which khattas are located in Bhabar and what was the price of milk in khatta every year from 1921 to June, 1924 ?

What is the number of cultivators and professional graziers liable to pay grazing fees ?”

These questions were put with a view to test the accuracy of the basis on which the enhancement has been made. Government said that it had no information on the subject and it did not consider it necessary to make any further inquiry. That goes to show clearly that the Government did not satisfy itself, when sanctioning this increase, that the state of things was actually as it was represented to be or as it was supposed to be. I may submit here that I have made an inquiry under such limitations under which a non-official can make one, and I am in a position to say that the rates of milk, etc., have gone down since 1922, and I have also seen some written agreements and account books of the people who deal in these things. While formerly they used to get milk at 10 to 12 seers, now they are getting it at about 12 to 14 or 15 seers a rupee. The Government has in mind the rates prevailing in Haldwani and Ramnagar towns. I submit that this has nothing to do with the question that is involved in this resolution. Haldwani and Ramnagar are two small towns which consume between them, I think, eight or ten maunds of milk every day. The rates there are about five seers per rupee. Even there in 1921-22 the rates were four seers per rupee. I may state here a point which has a great bearing on this question. It is only an infinitesimal portion of the people who keep cattle who trade in milk or supply milk to places like Haldwani and Ramnagar. From the very nature of things

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it is not possible for them to make supplies at places which are at great distance. They can naturally supply milk only at places where their residence is very close to the town area. At least 99 per cent. of the keepers of cattle live in villages far off and cannot possibly export anything to Haldwani or Ramnagar. My own impression is that more than 80 per cent. of them never derive any profit from this sort of business although they maintain their cattle from day to day. In fact, as one can see from the *Gazetteer*, or if one has been to these parts one can see that the land there is not fertile at all. I may also state here that it was only in a few places that a very little quantity of cream was exported to Aligarh, and it was at lower rates than those which obtained in 1922-23. I have ascertained the fact that the Aligarh dairy farm now does not ordinarily admit the cream that used to be sent there from these villages. Whatever the farm accepts now is at very low rates. So I am perfectly satisfied that the income of these people, if they at all derive any income from these sources, is much less than what it was prior to 1923. You will also see this from the statement that was supplied to me by the Government. It is given on page 423. We find that the number of buffaloes was 9,531 in 1915-16, 9,824 in 1916-17, 9,868 in 1917-18, and 9,520 in 1922-23. This shows there has been a reduction of about 400. Then I come to cows and bullocks. The number in the year 1915-16 was 27,000, 30,000 in 1916-17 and only 17,000 in 1922-23. In this case also there has been a reduction of about 40 per cent and about 10 per cent. in the case of buffaloes. So it is quite obvious that this profession is not in any way profitable. Otherwise, the natural law of supply and demand would have come in and we would have seen an increase in the number of cattle instead of a decrease, and people would have flocked to that profession to derive the rich profit. When we see the number of cattle dwindling day by day, it clearly shows that it was not a profitable business and that those who were conducting it were finding it difficult to maintain it. I also know that—I can take the Council into confidence if it is prepared to take me into confidence—a large number of the people who keep these cattle is highly and heavily indebted. If there is any profit made by any one, it is only by a few middlemen, who purchase the milk or who take the trouble to make some use of it. So far as the villagers are concerned, their condition is simply miserable. I only wish that the Hon'ble Finance Member could visit that tract some time, and it would then not be necessary for me to put forth argument to convince him. I know how very wretched is the condition of those Muhammadan and Hindu agriculturists who mostly carry on this business there. Then there has been another change made. It has also caused some amount of privation. Formerly exemption was given to every tenant who had 20 bighas, but now the minimum has been raised to 25 bighas. On account of this increase in the extent of the holding many other persons who were getting exemptions till last year have been put to difficulty. Well, in fact there should be a proportionate rate so that a man can get exemption in accordance with the extent of his holding. But whether this is admitted or not, there should be no increase in the area of the holding which entitles a man to exemption. I do not consider it very necessary to make any further remarks in this connection. I may only state here that, while in other parts the cattle remain in the forests, in the vicinity of the

forests, throughout the whole year, the people of this area only come down for five or six months and go up to the hills for the rest of the year ; while in other parts the cattle are of a decent size, here they are very stunted and small in growth. So from whatever point we look at this question, there is no reason for increasing the rates of grazing dues in these parts.

Pandit Brijnandan Prasad Misra : I desire to move my amendment to this resolution, which is that 'Put a full stop after '1922-23' and delete the following words :—'and to refund the enhanced fees realized last year'.' The resolution by the introduction of this amendment reads as follows :—

"That this Council recommends to the Local Government to restore the rates of grazing fees that were in force in the Government forest and Government estates until 1922-23."

My amendment has, on the whole, moderated the proposal of my honourable friend under whose leadership I have the privilege of working. The reasons on account of which he requires the rates to be lowered have already been given in detail, and, I think, I would not be justified in detaining the Council any further by recounting them. He has placed the whole state of affairs before the House in a much more lucid way than it is possible for me to do by any means. The difficulty on account of the enhanced charges in this area is so great that it has really made it difficult for the people who are affected to live there. The persons who are affected are the persons who have got to live there and are very poor fellows. In the hills people used to keep a large number of cattle and that number is dwindling on account of the increase in the rates. This is a fact which can hardly be controverted. When on the one hand we see that the Government are spending large sums of money on cattle farms, it seems anomalous that the maintenance of a large number of cattle at other places should be discouraged. This rise in rates has led to a very great agitation, and it is not an agitation got up by agitators, but it is due to the fact that the whole area was adversely affected. I understand that there is a great difficulty in collecting money and that a large sum has remained uncollected because it could not be paid off easily by those who pay. The cattle in fact are the very life of the hill people, not because they live on husbandry, but because the maintenance of a large number of cattle is a profession. The supply of *ghi* is one of the special features of that area. Owing to the decrease in the supply of *ghi* we are now getting adulterated *ghi*. I therefore support the resolution, not because that it is in the interest of the hillmen, but because it affects a great economical question.

I, however, wish that the increased rates already paid should not be refunded. I say so not because I have no sympathy with those people who have paid these rates, but because this makes the resolution more moderate and more acceptable to the Government. I have been making efforts in this direction, for the last two or three years, but so far I have not been able to get the rates reduced. I would say to my friend who has moved the resolution that, even if there is a provision for refund, it would not give much benefit to the people, because the process of refund is so very difficult. The person has to pass through so many channels that ultimately he gets very little.

With these words I support the resolution with my amendment.

The Hon'ble Mr. S. P. O'Donnell: I understand that this resolution relates to the Tarai and Bhabar estates and forests. Now, there has undoubtedly been an enhancement in the grazing rates on buffaloes and cows. I shall come later to the question whether that enhancement is excessive or not. The first point, however, that I wish to make is that in any case the enhancement does not affect the cultivators as such. The honourable mover himself admitted that cultivators are allowed to graze free a certain number of cattle. He said that the rules have been altered and that the minimum area entitling a cultivator to free grazing has been changed. That is true. The minimum area was raised from 25 bighas to 30 bighas. Thirty bighas suggests a large area, but these bighas are not ordinary bighas, but local bighas, each of which is equal to $\cdot 15$ of an acre, and therefore 25 bighas are only four acres. The increase in the minimum area has thus been less than one acre. The minimum area now entitling a cultivator in the Tarai to free grazing is four acres. Four acres is not an exceptionally large holding at all. It is in fact an area which any tenant with two plough-cattle can plough and does plough. The honourable mover has omitted to mention that when this change was made another change was also made. Here is what the Superintendent says in regard to this second change:—

“The present number of plough-cattle allowed free is very excessive, and as tenants do not keep more plough bullocks than are actually required, they do not enjoy the full remission permissible. Under the rules plough bullocks and cows are not interchangeable. I therefore propose to curtail the number of plough cattle entitled to free grazing to the number reasonably necessary and to grant a more liberal remission on cows.”

Now, the scale in force is as follows:—The tenant who cultivates four acres, i.e. 25 bighas, is allowed free grazing for 4 plough cattle, 18 cows and one pony. If he cultivates 8 acres, i.e. 50 bighas, he is allowed 9 plough cattle, 28 cows and 1 pony, and so on. The maximum allowed to a tenant is 20 plough cattle, 88 cows, and one pony. I put it to the Council, is not this a liberal scale and is there any other part of the province where tenants enjoy as great a concession?

As regards enhancement, these rates have not been altered since the outbreak of the War, that is since 1914. In the interval between then and now the price of milk and other things has greatly risen. The honourable mover will not admit that. On the contrary, he thinks the prices have fallen. I listened to that statement of his with great astonishment. We all know that the price of everything since the War has gone up very much indeed. It is common knowledge, it is a matter within the experience of everyone, that the price of milk has also greatly risen. My own personal impression is certainly that I am paying now a good deal more for milk than I used to pay in 1914, and if it is the case that prices in the Tarai and Bhabar have actually fallen during the last ten years is true, the circumstances then must be very extraordinary. The Deputy Commissioner says definitely that there has been a great increase in prices. In respect of milk he says that the rate has risen from 10—12 seers to 3—4 seers to the rupee. The honourable mover said that the latter rate applied only to Haldwani. But may be so, but surely if the price of milk has risen in Haldwani, it must have also risen, proportionately at any rate, in the other parts of the Tarai, just as it has risen in the districts of the plains.

The honourable mover said that the number of cattle had declined. There is no doubt that it has declined, but that has nothing to do with the change of rates. The decline in the number of cattle had set in long before there was any change of rates. In 1914-15 there were 24,357 cows in 1916-17 30,557, in 1917-18 26,137, in 1918-19 21,956, and in 1922-23 the number fell to 17,317. The decline is due simply to the fact that the Tarai and Bhabar is a precarious tract. It is a tract which is subject to great fluctuations; in the cultivated sir land, the number of cattle and in the general prosperity of the tenantry. The decline in the number of cattle, which I hope will be succeeded later on by an increase is, I repeat, due to factors which have nothing whatever to do with the change of rates.

Lastly, Sir, we are told that these rates are very excessive and that they press heavily on the people. I have already endeavoured to make it clear that it is not the genuine cultivator—the cultivator *qua* cultivator—who is affected by these rates. It is the people who keep cattle for commercial purposes who pay them, and I put it to the Council Is it reasonable to maintain that a fee of two annas a month for grazing a buffalo is excessive? Is there any other part of the province where people are unwilling to pay two annas for grazing a buffalo and one anna for a cow? If there is one, I shall be glad to hear about it. I know for a fact that most of the villagers in these provinces would be quite ready to come forward and pay two annas for grazing a buffalo, when they keep it not for their own domestic purposes, but for commercial purposes. When the honourable mover mentioned the matter to me last, I told him that I would refer it to the Commissioner. I did consult the Commissioner, Mr. Wyndham, than whom I venture to say, the people of Kumaun have had no greater friend. He assured me that the rates are not at all excessive. That also is the opinion of the present Deputy Commissioner, who, I think, the honourable member will agree, is also not unsympathetic to the people of Kumaun. We have no desire to impose an unfair enhancement on the people, but we cannot admit that the present rates are excessive.

Thakur Manjit Singh Rathor: I rise to support the resolution as amended by the honourable member for Pilibhit. I do not think that a resolution like this, which is most uncontroversial and on which there cannot be two opinions, so far at any rate as the non-officials are concerned, needs any elaborate speech. I come from Dehra Dun. In that district recently a conference of the peasants was held at Doiwala, a big and important village. In that conference a number of zamindars were also present. They were all of opinion that the enhanced grazing rates were unduly excessive. It is, therefore, in the interest of the peasants and of the province generally that they should be brought down to their original level. It appears that the Government are not in a mood to reduce the rates and thus to help the poor people. When the War was over, it was thought that the Government would bring down the grazing dues, but instead of that we find that the Forest department has increased them. It is with a view to alleviate the suffering of the poor people that I represent to the Government that they should reduce the rates to their original figure. I have just made a mention of the conference at Doiwala which was held on the 5th of December, 1924. In the conference the resolution about the grazing dues was one of the most prominent because the resolution not only

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affected the peasants but also the zamindars because they have cows and buffaloes for pastoral purposes. With these few words I support the amendment of Pandit Brijnandan Prasad, which is very moderate and I hope that the Government will have no hesitation in accepting it in the modified form in which it has been put, and I commend it to the acceptance of the Council.

Pandit Govind Ballabh Pant : The Hon'ble the Finance Member's speech gave me a clue to the whole thing. In fact I was wondering how such an enhancement could have been made and when he said that he was paying more for milk than he used to pay in 1914, it showed me the reasons why an enhancement had been recommended. The officers who recommended this enhancement perhaps saw that they were paying more for milk in 1923 than they were paying in 1914, and from that they naturally inferred that there ought to be some increase in rates to correspond with the high prices.

The Hon'ble Mr. S. P. O'Donnell : I did not say they supplied milk to me.

Pandit Govind Ballabh Pant : I do not mean that you said all this, but it solved the riddle for me. I submit that all this was a misreading of the situation. The whole point lies in this, that most of these people are not commercial graziers, they have nothing to do with the sale of the milk. If a man produces grain for his own maintenance and subsistence, it matters little to him whether grain sells today at 16 seers and tomorrow at 7 seers. So far as he is concerned he has nothing to do with the rise and fall in prices. I also would join issue with the Hon'ble the Finance Member when he says that the agriculturists have not been affected. It is only the agriculturists who keep cattle, and of them there are not even 10 per cent. professional graziers. On the one hand Government refuses to supply information and it refuses to make an inquiry. We know the facts. I put a question to get over this difficulty. The question was, "Will the Government be pleased to state what amount of the revenue from grazing in the Naini Tal district is paid by the cultivators and professional graziers respectively?" in order that I may be able to show to the Council that most of it is paid by the cultivators and very little of it by professional graziers.

The second question that I put was, "How many cattle in the Tarai and Bhabar were killed by wild animals and how many were lost or stolen ; also how many died on account of contagious diseases during the last three years?" The ravages by wild animals in those tracts are so rife that a man loses immensely and that he is put to enormous difficulties in keeping things going on. That is the reason why they should keep comparatively a larger stock.

The third question was, "Is it a fact that most of the khattawalas, keepers of cattle stations, are heavily indebted?" that is to say, to prove it to the House that the people did not benefit by this, otherwise they would not have been in debt. I wish I could say with the Hon'ble the Finance Member that this increase does not weigh very heavily on these people, but unfortunately this is not the state of things in this country. A little rise in the salt tax has created enormous difficulties before this. In a country like India even a little rise in the value presses very heavily, and one should not be

surprised if an increase of 50 per cent. should not weigh heavily on the miserable and destitute tenants of the Government estates. Then I am told that the prices have actually risen and have not gone down. I put a distinct question :—

“ How many and which khattas are located in Bhabar and what was the price of milk in khatta every year from 1921 to June, 1924 ? ”

It was to bring it to the notice of the Council and to the notice of the Government that there has been a steady decline in prices from year to year onwards. That I know to be a fact. There was a further question which I put.—“ What is the number of cultivators and professional graziers liable to pay grazing fees ? So that it might be clear that the line of argument adopted by the Hon'ble the Finance Member could be borne out by these facts. He refused to answer these questions. When that information is not before the Government, then on what basis has the Government arrived at these conclusions ? We know that the assumptions or assertions of a certain class of gentlemen must be given greater credit than the facts established by others, but at times, I have the audacity to say so, the facts should weigh, and not assumptions. I think we should be pardon-d for that audacity on our part to say that it is very unfair to say that the enhancement does not weigh heavily on the people. It certainly weighs very heavily on the people. Some stress has been laid on the allowance that is usually made to cultivators. I submit, Sir, that this should be considered subject to some reserve. A cow in those parts is very small. Even assuming that they keep more cows than they require, but when people can for the satisfaction of their taste keep dogs in large numbers, why should not these men be allowed the liberty of keeping a few head of cows to satisfy their fancy. I have been asked by the Hon'ble the Finance Member to point out where the rates are lower ? I however find from the statement relating to the Banda district forest that the ordinary rate per year is two annas per buffalo. I hope I will not be thereby providing some reasons for raising the rate there. I shall be unhappy if it is so. For commercial classes it is four annas only.

Rai Bahadur Lala Sita Ram : Is it two annas a buffalo ?

Pandit Govind Ballabh Pant : Two annas a buffalo per year. For the commercial classes it is four annas. In Jhansi for commercial classes it is one rupee and for ordinary people it is twelve annas. Why should the rate be increased in the case of these people ? Is it because they are unfortunate people in that they live under the patronage of the Government in the Government estates. Perhaps this is the reason that they are treated by the Government as stepsons ? that they are treated in step-grandmotherly fashion. I submit, Sir, that this should not have been done. I did hope that at least at this stage the Government would have the fairness, or if I may say so the generosity of accepting this resolution. But the Government has opposed even such a mild resolution and I am sorry for it. This petty sum has to be collected from a large number of people. The people have a very acute grievance and they have not been able to pay a substantial part of this enhancement. Some of them have been put to very great difficulties. Cattle have been put in pounds ; processes have been issued ; warrants have

[Pandit Govind Ballabh Pant.]

been served and other difficulties have been undergone as well. I agree with one part of the Hon'ble the Finance Member's speech when he said that the Deputy Commissioner is a sympathetic man. In this connection I had some talk with him. I cannot state what passed between us. I may say, however, that I doubt if he even sought or suggested this enhancement.

The Hon'ble Mr. S. P. O'Donnell. I have just only a few remarks to make. The honourable mover said that the cattle in the Tarai and Bhabar are exceptionally small. In fact he said that they were about the average size of a dog. That does not agree with my information. I am informed that the cattle in the Tarai and Bhabar are just as good as—in fact on the average better than—the cattle in the eastern parts of these provinces. They are of course not as big as the cattle in the western parts of the province, but they are on the whole far superior to the cattle in the eastern parts. There is indeed a well known breed of cattle called Singhai just on the borders of the Tarai, a fact which it is difficult to reconcile with the assertion that the cattle in the Tarai and Bhabar are about the size of a dog and that 16 such cattle are equal to one from the plains.

The honourable member then referred to the rates charged in Banda. The rate charged in Banda is certainly very low, but that is because the grazing obtainable in Banda is very inferior. It is exceptionally poor, and that is why the rates are low there. If the grazing in Banda were as good as it is in the Tarai, you could find plenty of people willing to graze their buffaloes for two annas a month.

Lastly, the honourable member complained that we did not answer the questions he asked. We did not answer them because we considered that the information asked for was likely to serve any useful purpose and because moreover it could not have been obtained without such difficult inquiries. How are we to know exactly the indebtedness of these graziers? Are we to inspect the books of all the mahajans and banias with whom they may have money dealings? Then he asked for the prices payable at each khatta for a whole series of years in the Tarai and Bhabar. Obviously that information could not be obtained without an immense amount of labour which not unnaturally we were not willing to undertake.

Pandit Govind Ballabh Pant : May I just quote a few lines from page 49 of the Naiini Tal Gazetteer in which it is said.—

"In the hills the domestic cattle of indigenous origin are small in size and usually red or black in colour."

The amendment was put and adopted.

The resolution, as amended, was then put and adopted.

RESOLUTION *re* REMISSION OF PROVINCIAL CONTRIBUTION (1).

Babu Prasidh Narayan Anad.—I beg to move that,—

"In view of the disastrous and extensive flood in these provinces and the consequent loss of revenue and the urgent need of funds for relief this Council recommends to the Local Government to request the Governor General in Council to remit the provincial contribution for this financial year."

The debate that took place on the resolution of my honourable friend Thakur Sadho Singh has left very little for me to say about the recent

floods. It is a matter of common knowledge that they have caused to the people of these provinces as well as to the Government a very heavy loss, and the question is why the Central Government should not forego the contribution which is made annually by the Provincial Government in order to enable the latter to meet extra expenditure. Since the time the Committee presided over by Lord Meston made an award, this matter has been a subject of great controversy between some of the local Governments and the Central Government, and the Central Government did not see its way to remit this either in favour of our province or in favour of the province of Madras. It has, however, remitted the contribution of the Bengal Government for three years and also of the province of Burma. At the present time we need money for relief work. The people of the province have contributed their share towards the relief fund; the Local Government has also spent certain amounts of money in giving relief to the people who have suffered; now let us see what the Government of India contributes towards the relief which is most urgently needed. My resolution contains a very simple request that we want remission of the provincial contribution for a single year in order to give relief to the people, who have suffered immensely, and I trust the Government will accept this resolution and forward it to the Government of India for favourable consideration.

Lala Mathura Prasad Mehrotra : The amendment that stands in my name runs thus :—

“After the words ‘this financial year’ add the following ‘and to reduce it by half at least for the next years till normal times come and the effects of floods are completely effaced’.”

The object of my bringing forward this amendment is very plain and simple. It was only the day before yesterday that a resolution was discussed in this House relating to the floods. We all have heard the tales of misery, devastation, loss of life and cattle in the speeches on that resolution and I need not go into further details. By the kind courtesy of the Hon'ble the Finance Member we were also supplied with a statement in tabular form. As we go into it, we find that the total number of the population affected by the floods was 23,84,535. The total number of villages seriously affected was 3,255; the total number of villages affected 7,081; the total number of houses destroyed was 242,143; the total number of cattle lost was 1,00,413, and all this is over and above the loss of about 1,100 persons. The damage is indeed very great and unprecedented and so it is not possible that the effects can be effaced in one single year. According to my moderate calculation it will take at least two or three years more to give the measures of relief to these affected areas, and so it is not only necessary that the Government of India should remit the contribution for one year only, but it is also necessary that they should reduce it by half at least for some years to come. Sir, the condition of our finances is very bad; we are living on bankruptcy, borrowed capital and new taxation. Our departments of national progress are all starving and we cannot bring forward any new scheme for want of money. This is the condition on the one hand, and on the other this unforeseen calamity has occurred. It is therefore an urgent necessity for these provinces that our contribution should be reduced by half for good and not only for such unusual years. I think, therefore, that it is very very necessary that the Government of India

[Lala Mathura Prasad Mehrotra.]

should reduce our contribution by half at least for the next two years and if the question is pressed hard by our Government, I strongly hope the Government of India will accept it.

With these few words I commend my amendment to the acceptance of the House.

Pandit Yajna Narayan Upadhya : I rise to support the resolution moved by my honourable friend Mr. Anad. The havoc which the last floods has created in these provinces can better be imagined than described. The other day when the resolution in connection with the floods was discussed; the honourable members from various districts described what havoc the last floods had created in the United Provinces. It is an unprecedented thing, and I think it would be difficult for the province to recoup within the next ten years the loss which it has sustained owing to the last floods. The question of the contribution to the Government of India has been discussed several times and this contribution is considered very harassing, especially when the province has suffered so badly on account of the flood calamity. I heartily support the resolution moved by my friend, Mr. Anad, and submit that the Local Government should move the Government of India to stop this contribution so long as the province does not recover from the effects of the flood havoc.

Hafiz Hidayat Husain : A similar resolution stands in my name, but I would only speak on the resolution that has been proposed. I think, Sir, that the Government, and particularly the Hon'ble the Finance Member, has been making representations to the Government of India for the remission or a substantial reduction of our contribution to the central revenues. Now, Sir, this resolution only gives us an opportunity to find out from the Government as to what has been the upshot of their representations. I am perfectly sure that with a thinner purse a forceful representation should at once be made to the Government of India for the purpose of getting a substantial reduction of this contribution to meet the situation created by the floods. The situation is such that it will not be enough to give temporary relief to the sufferers. What is required now is money for construction and not mere temporary relief. Houses have been demolished, large areas have been silted, large amounts of revenue have to be remitted and considerable amounts of rent have to be suspended or remitted. In these circumstances it will be difficult to say where the money is to come from. This is the only source which should be tapped. I do hope that the Provincial Government has made--if it has not I hope it will at once make--very strong representations and take effective steps for the remission, or at least a substantial reduction, of this contribution to meet the distress caused by the floods. I support the resolution.

Dr. Shafa'at Ahmad Khan : The Government of India have given definite pledges not once or twice, but several times that if conditions and circumstances permit they will reduce the contribution from the provinces. I may refer the members to the report of the Joint Committee. The Joint Committee reported that in no case should the initial contributions payable by any province be increased, and therefore even those that are contributing a very small amount need not pay

higher according to this, but the gradual reduction of the aggregate contributions should be the sole means of obtaining the theoretical standards recommended by the Finance "Committee". In the next place, they said that "the acceptance of the latter proposal emphasizes the intention that the contributions from the provinces to the Central Government should cease at the earliest possible moment." In 1921, Sir Malcolm Hailey promised that the Government of India will consider the matter. In 1922 he went further. He said that "it is not merely a promise but a definite policy." That was not all. In the year 1923, another resolution was passed during the time of Sir Basil Blackett, the Finance Member. At that time the resolution simply desired that the "Governor General in Council should take immediate steps to set apart some revenue for the purpose of wiping out all contributions" from the provinces in the course of six years. The present Finance Member said in 1923:—"I recognize that every one of the provinces takes a very deep interest in its own behalf, except perhaps Bombay which desires to manage the matter in its own way; all of them are looking to the Government of India at an early date to reduce their contributions." That was the position in 1923. I looked up the reply of Sir Basil Blackett at the last budget debate. In his speech, Sir Basil Blackett did admit that the Meston reward was not an equitable reward, and that it did need modification, but he did not go further. Lord Meston himself gave a series of lectures last year, and those lectures have been published on a work on the constitution of India. When he deals with the financial aspect of the proposals formulated by his own committee he does not, naturally enough, criticize them. But he seems to think that the policy underlying the reward, though harsh and even unjust to some of the provinces, was really the only one that could be adopted at that time. That is the view which Lord Meston himself holds. But as the members must have noticed from the evidence tendered before the Reforms Inquiry Committee from various provinces, they would have found that no province is satisfied with this state of things. Madras has, not on one but on several occasions, tried to get this settled. Bombay, I admit, stands on a different footing, but if the members will go through the report of the Joint Select Committee they will find that they made an exception in the case of the Bombay Presidency. They allowed Bombay to have part of the proceeds of the income-tax; and they went further. They said, "we are prepared to give you some additional sum out of the income-tax," which they put at three pies per rupee, and they also added that no province, which has initially to pay a smaller amount need pay a higher amount according to the recommendation of Lord Meston's committee; thirdly, the Joint Select Committee stated that the provinces which were obliged to contribute more than a legitimate share should get relief at the earliest possible opportunity, and the Government should shape their financial policy to that end. It is clear that the provinces which have suffered most are the United Provinces and Madras. Madras has tried hard, but I do not know whether special representation has been made on behalf of the United Provinces. I am sure the Government have done a good deal in this matter, and I admit that they have made very strong representations to the Government of India. But I think that if stronger, more effective and more expedient steps had been adopted our grievances would have been listened to with respect by the Government of India.

The Hon'ble Mr. S. P. O'Donnell: I need hardly say that no one would welcome more than I should the remission of the whole of our contribution for the present year. Nor need I say that in our own opinion there is an overwhelming case for the early remission, of at any rate, a substantial portion of our contribution. Nor again need I tell the Council that our views on the subject are well known to the Government of India. At the same time I am afraid that it is no use asking the Government of India to remit 240 lakhs this year on account of the loss we have sustained during the present year by the floods. We estimate that the floods one way or another, partly in expenditure and partly by loss of revenue, will cost us about one crore of rupees. But out of that about 30 lakhs will be from the Famine Insurance Fund and of this sum a good deal will be recoverable. Actually the portion which will fall on our ordinary funds is 68 lakhs, which will be distributed over this year and over next year. Part of this expenditure we hope to be able to meet by a loan. Whether we can actually get that loan or not I cannot say at present. If we do, the actual charge on this year's revenues will be Rs. 17,66,000, which we can find from our balances. During the next year—assuming again that we are able to finance part of our expenditure on irrigation works from a loan—we shall have to find some Rs. 30 lakhs. That undoubtedly does lend additional weight to our claim for a remission and of course, it is our fervent hope that we shall get a substantial remission of our contribution next year. On that point I shall have something further to say in connection with the next resolution. But I think that the position generally is this, that we must base our claim for a remission of our contribution not on any special circumstances like the floods, but on the general strength of our case, although that case is certainly *strengthened*, so far as next year is concerned, by the exceptional loss which we have sustained.

Babu Prasidh Narayan Anad: If the resolution that we passed the day before yesterday is acted upon I do not think that this amount proposed will suffice. We want crores of rupees to finance the schemes laid down in the resolution and if relief is to be given properly to the affected people. They will require a very large sum for the reconstruction of their houses, and if Government is not prepared to help them with sufficient money it will be giving no relief—rather it is denying relief. Therefore if this remission is made by the Government of India the local Government will have sufficient amount of money to give necessary relief to the people.

I therefore commend the resolution to the House.

The amendment was put and adopted.

The resolution, as amended, was then put and adopted.

RESOLUTION *re* REMISSION OF PROVINCIAL CONTRIBUTION (2).

Nawab Muhammad Yusuf: I beg to move:—

"That this Council recommends to the Governor in Council to convey to the Government of India the opinion of this Council that remission of the provincial contribution should be the first charge on any surplus which the Government of India may have."

I have no desire to inflict any lengthy speech at this time of the day. In fact I should not have felt the necessity of moving the

resolution if I did not feel that my resolution would be comparatively more acceptable to the Government of India, as it is only a very modest request. The resolution also points a particular way in which the Government of India can adjust things by accepting a remission of the contribution as the first charge on the surplus. We have been very unfortunate indeed. Thanks to the recommendations of the Meston Committee, we should have been saddled with two crores and forty lakhs as contribution from these provinces every year to the Government of India. It never took into consideration the fact that the introduction of the new reforms would involve us in heavy expenditure. It also did not take into consideration the new demands the nation-building departments were likely to make on the finances of the provinces. This was a great mistake that has been committed by the committee. Coming to the expenditure of these provinces, we know that it is very low indeed. Certainly it compares very favourably with the expenditure in other provinces. It is much less than the expenditure in any other provinces in the whole of India. We know that we have cut our expenditure to the minimum, and we have applied the axe to every department. We have applied it to such an extent that many departments are being starved. We find that we have not got enough money for our primary education; we find that we have not got money for our schemes of higher education, and we find that we have no money to give an impetus to our industries and specially to promote cottage industries. We find that on account of shortage of money we cannot finance schemes for rural sanitation and agricultural development. These are our difficulties. We are also faced with a sort of deficit every year, and now this is a great disaster which has befallen these provinces, viz., the floods which have played havoc with the lives of the people and rendered thousands of people homeless. It is hardly necessary for me to depict the lurid picture of the havoc caused by the floods. If we really want to balance our budget, if we really want to come to the rescue of those who have been affected by the floods, the only thing that has been left to us is to impress on the Government of India as strongly as we can that the remission of our contribution should really be the first charge on their surpluses. We know that the Government of India has stated that it is going to state its policy towards progressive remission of the contributions of the provinces. But nothing has as yet been done so far. However, this is the most important and psychological moment when the Government of India should really come to our rescue and help us. We know that the revenues from the railways are expanding. We also know that the excise duties on cotton are bound to bring in good revenue to the Government of India, and therefore there is every reason to think that there would be a substantial surplus, on which the Government of India could very easily create a charge for the remission of our contribution. I am sure every member of this House is with me in this matter and I hope Government will also join hands with us in unanimously sending up the recommendation to the Government of India that the remission of the contribution of these provinces should really be the first charge on their surplus.

The Hon'ble Mr. S. P. O'Donnell: I need hardly say that this is a resolution with which we are in full sympathy. We have always maintained that our contribution was excessive. We recognize that at the time when the Reforms were inaugurated it was not possible for

[The Hon'ble Mr. S. P. O'Donnell.]

the Central Government to pay its way without assistance from the provinces. But we have always maintained that the share of the total contributions which was imposed on us was excessive. Before the Reforms this province was one of the most, if not the most, economical province in India. We suffered for our economy at every revision of the financial settlements because every such revision was based upon the previous standard of expenditure and our standard was always low. We suffered again for the same reason when it came to fixing our contribution under the devolution rules. It is true that these rules added to our revenues, but not in proportion to our needs: the increase was mostly swallowed up by the rise in salaries which was forced upon us by the rise of prices. The result was that as we were compelled to maintain a standard of expenditure below that, I believe, of any other province in India except one. We have done what we could to improve our financial position. We have imposed extra taxation and we have carried retrenchment as far as, if not further than, any other province.

Our claim for a remission of our contribution is thus a very strong one. Whether, however, we shall get a remission next year is a matter on which, I can add nothing to what has appeared in the press. The Government of India have stated that they are shaping their policy towards a progressive remission of the provincial contributions, but beyond that they have not gone. There was, however, in last September a debate in the Legislative Assembly which is of some importance in this connection, a debate on the abolition of the cotton excise duty. During the course of that debate the Hon'ble the Finance Member of the Government of India said—"It is quite obvious that this question whether the excise duty has to go first or the provincial contributions are to be begun to be reduced first comes before us in the form of a dilemma which we cannot avoid."

This sounds rather disquieting, because it suggests that if the cotton excise duty is abolished our contribution will not be reduced. The Hon'ble the Finance Member, however, went on to make some remarks which seem to qualify this inference. He said:—

"There must be a choice between them, unless, as I say we are to take some additional taxation from some other quarter to make good the cotton excise duty."

He said too:—"I have been invited so often today to make proposals for increase of taxation that I really hardly know where I am." And he mentioned proposals for raising the cotton import duties and for a corporation tax. I shall not pursue this matter which is clearly one for the consideration of the Government of India. Our position however is clear. We maintain that our present contribution ought to be reduced, and we hope that if the cotton excise duties are abolished and if as a result thereof there is a deficiency in the revenues of the central government means will be found of making good that deficiency and that it will not be allowed to prevent a measure of relief of which we stand in most urgent need.

Khan Bahadur Maulvi Fasih-ud-din: I want to say just a few words in support of the resolution of my friend Nawab Muhammad Yusuf. We all agree, whether officials or non-officials, that this contribution to the Central Government is unfair and a great drag on the development of

the resources of this province. Now that we are in the midst of a very severe calamity brought about by the recent unprecedented floods and now that the Government of India have got a surplus balance, I am sure—at least I hope—that the Government of India will listen to our request at least this time. If they do not do so, then I am sorry to say that we would be inclined to look rather seriously into the somewhat humorous remarks of some of our friends of the council that local Governments are after all assuming dignified responsibility. I am sure that the Government of India will prove by their conduct this time that they are living institutions and that their voice is worthy of being heard. With these few words I support this resolution.

The resolution was put and adopted.

The Council was then adjourned till the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Saturday, the 20th December, 1924.

THE Council met in the Council Chamber, Lucknow, at 11 a.m.
The Hon'ble the President in the Chair.

PRESENT :

The Hon'ble Mr. S. P. O'Donnell.
The Hon'ble Raja Sir Muhammad Ali
Muhammad Khan, Khan Bahadur.
The Hon'ble Lieut. Nawab Muhammad
Ahmad Sa'id Khan.
The Hon'ble Rai Rajeshwar Bali.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. A. C. Verrières.
Mr. C. E. D. Peters.
Mr. J. R. W. Bennett.
Mr. S. H. Fremantle.
Mr. R. Burn.
Mr. W. S. Cassels.
Mr. C. M. King.
Mr. F. F. R. Channer.
Colonel A. W. R. Cochrane.
Mr. A. H. Mackenzie.
Mr. G. Clarke.
Raja Muhammad Ejaz Rasul Khan.
Mr. H. C. Desanges.
Mr. H. David.
Babu Khem Chand.
Babu Narayan Prasad Arora.
Babu Sangam Lal.
Babu Mohan Lal Saksena.
Babu Damodar Das.
Rai Bahadur Lala Sita Ram.
Babu Bhagwati Sahai Bedar.
Thakur Manjit Singh Rathor.
Rai Jagdish Prasad Sahib.
Chaudhri Jaswant Singh.
Pandit Nanak Chand.
Lala Babu Lal.
Thakur Shib Narayan Singh.
Rai Bahadur Babu Ram Nath Bhargava.
Rai Bahadur Pandit Kharagjit Misra.
Lala Dhakan Lal.
Babu Nemi Saran.
Chaudhri Badan Singh.
Chaudhri Sardar Singh.
Thakur Sadho Singh.
Pandit Brijnandan Prasad Misra.
Pandit Bhagwat Narayan Bhargava.
Pandit Jhanni Lal Pande.

Lieut. Raja Durga Narayan Singh.
Pandit Sri Krishna Dutt Paliwal.
Babu Parsiddh Narayan Anad.
Pandit Yajna Narayan Upadhyaya.
Babu Dip Narayan Roy.
Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Pandit Govind Ballabh Pant.
Pandit Hargovind Pant.
Mr. Mukandi Lal.
Babu Ram Chandra Sinha.
Raja Shankar Sahai.
Kunwar Rajendra Singh.
Rai Bahadur Thakur Mashal Singh.
Babu Sita Ram.
Babu Bindeshwari Prasad.
Thakur Hukum Singh.
Mr. Muhammad Aslam Saifi.
Maulvi Zahur-ud-din.
Rao Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Khan Bahadur Chaudhri Amir Hasan
Khan.
Maulvi Obaid-ur-Rahman Khan.
Hafiz Hidayat Husain.
Mr. Masud-uz-Zaman.
Nawab Muhammad Yusuf.
Maulvi Abdul Hakim.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Bahadur Hakim Mahbub Ali Khan.
Mr. Ashiq Husain Mirza.
Khan Sahib Munshi Siddiq Ahmad.
Qazi Habib Ashraf.
Raja Saiyid Ahmad Ali Khan Alvi.
Khan Bahadur Chaudhri Muhammad
Rashid-ud-din Ashraf.
Shaikh Abdus Samad Ansari.
Mr. St. George H. S. Jackson.
Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Shaikh Imtiaz Rasul Khan.
Raja Jagannath Baksh Singh.
Mr. Tracy Gavin Jones.
Rai Bahadur Babu Vikramajit Singh.
Dr. Ganesh Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

RELEASE OF POLITICAL PRISONERS.

*** 1. Pandit Har Govind Pant :** What effect, if any, has the Government given to the resolution regarding release of political prisoners adopted by this Council on the 10th of September, 1924?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to the answer given to starred Question No. 29 of the 17th December.

Pandit Har Govind Pant : Did the Judge inquire into the state of the health of the prisoners, particularly the Bageshwar prisoners?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

Pandit Har Govind Pant : Is the Government aware that some of the prisoners have lost their weight to the extent of 16 lbs?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No, it is not a fact.

Pandit Govind Ballabh Pant : Will the Government be pleased to lay the report of the Judge on the table?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I will consider the matter.

Thakur Hukum Singh : Will Government be pleased to say whether Pandit Beni Madho Tiwari was pardoned or whether his sentence was remitted?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : He was released.

(Starred Question No. 29 for the Council meeting of the 17th December, 1924, asked by PANDIT JHANNI LAL PANDE SAGIB.)

Will the Government be pleased to state what steps did it take after the assurance given by the Hon'ble the Home Member to the Council on the 10th September, 1924, in Pandit Beni Madho Tiwari's case and in the case of Bageshwar fair prisoners?

(Answer to above.)

Pandit Beni Madho Tiwari has been released on medical grounds. The cases of the Bageshwar fair prisoners were referred to a senior Sessions Judge for opinion.

*** 2. Pandit Har Govind Pant :** When are the Bageshwar prisoners to be released?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to the answer given to starred Question No. 112 of the 17th December.

Pandit Govind Ballabh Pant : Was the Judge required to give an opinion only as to the validity of the orders of the court or was he asked to give an opinion as to whether it would be expedient or politic to release these prisoners?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : He was only asked to examine the cases.

Pandit Govind Ballabh Pant : Was he expected to consider the question of expediency and policy ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Certainly not.

Pandit Govind Ballabh Pant : Will the Government consider this ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : It is still under the consideration of the Government.

(Starred Question No. 112 for the 17th December, 1924, asked by DR. SHAFI'AT AHMAD KHAN.)

(1) Will the Government be pleased to state if their attention has been drawn to the resolution of a meeting of the Indian Christian Association, held at Lucknow in November, praying for the release of Mr. Victor Joshi ?

(2) Will the Government be pleased to order his release ?

(Answer to above.)

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) Yes.

(2) The honourable member is referred to the answer to Starred Council Question No. 30. The Government do not propose to make any further statement at present.

* 3. **Pandit Har Govind Pant :** Has any memorial from the title-holders and other residents of Kumaun been received by the Government urging release of Mohan Joshi and his companions ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Yes.

Thakur Hukum Singh : Has the Government taken any steps on the memorial ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I have already answered the question.

Mr. Mukandi Lal : Today or on the previous day ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : On the previous day.

* 4. **Pandit Har Govind Pant :** (1) For what offence is one Shambir Singh of Bulandshahr arrested at the Rajput High School, Dehi, undergoing imprisonment in the Central Jail, Bareilly ?

(2) To what term of imprisonment has he been sentenced and what period has he already undergone ?

(3) What is his present age ?

(4) To what stratum of society does he belong and what are his educational qualifications ?

(5) Does the Government contemplate remitting the remaining portion of his sentence in view of his age and other circumstances ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (1) Shambir Singh is undergoing imprisonment for offences under sections 120B and 307 of the Indian Penal Code.

(2) He was sentenced to transportation for life under the former and to 10 years' rigorous imprisonment under the latter section on the 11th April, 1923. He has consequently undergone about one year and eight months' imprisonment.

(3) His age is believed to be between 20 and 21.

(4) It is understood that Shambir Singh comes of a respectable family and has received some education.

(5) Government are not aware of any circumstances which would justify the remission of the remaining portion of the sentence. Shambir Singh was liable under section 120B of the Indian Penal Code to the capital sentence, and the Sessions Judge remarked in his judgment that had it not been for his youth he would not have hesitated to pass this sentence. In dismissing his appeal a Judge of the High Court remarked "Had the learned Judge passed a capital sentence, I certainly would not have interfered."

Babu Bhagwati Sahai Bedar : Is Shambir Singh undergoing imprisonment in the juvenile jail ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

GOVERNMENT GARDEN, CHAUBATTIA, ALMORA.

*** 5. Pandit Har Govind Pant :** (1) What is the amount of total income received up to date during the current year from the Government garden, Chaubattia, in district Almora ?

(2) What further income, if any, is estimated up to the end of the current year ?

(3) What is the total amount of expenditure on the said garden during the course of the present year ?

(4) Is any part of the aforesaid expenditure met by the Agriculture department and, if so, how much ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : (1) The amount of income received up to 31st October, 1924, is Rs. 5,939-1-6.

(2) Estimated further income up to the end of the current financial year is Rs. 3,061.

(3) The total expenditure up to 31st October, 1924, is Rs. 8,135-11-3 and further expenditure to the end of the current financial year is estimated at Rs. 7,300.

(4) The total expenditure is met by the Agriculture department.

*** 6. Pandit Har Govind Pant :** What was the recommendation of the Garden Advisory Committee about the maintenance or the closing down of the said garden when it last met ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The committee recommended that the garden should be maintained as a commercial garden and let out on lease.

*** 7. Pandit Har Govind Pant :** Will the Government consider the advisability of leaving the entire maintenance of the garden to a lessee after securing suitable terms for occasional inspections and the carrying out of necessary directions ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : A lease of the fruits has been given for five years. At the end of that period Government will consider the propriety of leasing out the whole garden.

Pandit Har Govind Pant : Has the Government consulted the present lessee whether he was willing to take a lease of the whole garden?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : We have not asked the lessee whether he was willing or not.

Pandit Har Govind Pant : Will the Government be pleased to inquire?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : I have no objection.

INTERMEDIATE COLLEGES.

*** 9. Saiyid Muhammad Ashiq Husain :** (1) Will the Government be pleased to define its policy with regard to the existing intermediate colleges?

(2) Are any fresh institutions of this class to be started in the near future? If so, when and where?

(3) Are the existing cadres of services in these institutions merely an experimental measure? What change of grade is under contemplation for the men in the Rs. 200—25—450 grade, when they have attained the maximum salary after a period of about six years?

The Hon'ble Rai Rajeshwar Bali : (1) The honourable member is referred to the Intermediate Education Act, 1921, and the Regulations of the Board of High School and Intermediate Education, United Provinces.

(2) The answer to the first part of the question is in the negative; the second part does not arise.

(3) The answer to the first part of the question is in the negative. The answer to the second part of the question is that no change is under contemplation.

EXTENSION OF SCHEDULED DISTRICTS ACT TO KUMAUN.

*** 10. Pandit Govind Ballabh Pant :** (a) When was the Scheduled Districts Act, Act XIV of 1874, extended to Kumaun division?

(b) Is it a fact that the Scheduled Districts Act (XIV of 1874) has not been expressly declared to be in force in Kumaun, Garhwal or Tarai?

(c) If the answer be in the negative, will the Government be pleased to lay a copy of the notification declaring the Act to be in force in Kumaun on the table?

The Hon'ble Mr. S. P. O'Donnell : The Scheduled Districts Act, XIV of 1874, was applied to Kumaun under the first schedule thereto and has been in force there since the Act came into force. No notification was issued declaring the Act to be in force in Kumaun, nor was any notification necessary.

Pandit Govind Ballabh Pant : Has the Government consulted its legal advisers as to whether any notification was necessary or not?

The Hon'ble Mr. S. P. O'Donnell : Yes, we have.

BACKWARD TRACTS UNDER SECTION 52A (2) OF THE GOVERNMENT OF INDIA ACT.

* 11. **Pandit Govind Ballabh Pant:** (a) Has any part of this province been declared to be a backward tract under section 52A (2) of the Government of India Act?

(b) If so, will the Government be pleased to specify it?

The Hon'ble Mr. S. P. O'Donnell: (a) The answer is in the negative.

(b) Does not arise.

VOTERS OF UNITED PROVINCES LEGISLATIVE COUNCIL.

* 12. **Pandit Govind Ballabh Pant:** What is the proportion of voters in the general constituencies of the United Provinces Legislative Council to the male population (1) in Kumaun and (2) in the rest of the provinces, respectively?

The Hon'ble Mr. S. P. O'Donnell: The proportion of voters in the general constituencies in Kumaun to the male population of Kumaun is 210,187 to 658,914, but the former figure includes some Muhammadan voters of Pilibhit, as that district is linked with Kumaun for the purposes of the Muhammadan rural constituency. The proportion of voters to the male population in the general constituencies in the rest of the province is 1,294,422 to 23,710,061. The high proportion in Kumaun is the result of the peculiar system of land tenure in that area.

Pandit Govind Ballabh Pant: Is the number of voters in Pilibhit, so far as these figures are concerned, very small?

The Hon'ble Mr. S. P. O'Donnell: I cannot say, but I imagine that it is not very large.

RULES IN FORCE IN KUMAUN UNDER THE SCHEDULED DISTRICTS ACT.

* 13. **Pandit Govind Ballabh Pant:** (a) Is it a fact that some of the rules in force in Kumaun purporting to be framed under the Scheduled Districts Act are in excess of the powers conferred by the said Act?

(b) Will the Government be pleased to appoint a committee to examine the rules that are in force in Kumaun and to frame a Bill consolidating the rules with necessary modifications for the consideration of the Council?

The Hon'ble Mr. S. P. O'Donnell: (a) If the honourable member will specify the rules which he considers *ultra vires*, Government will examine the question.

(b) The honourable member is referred to the answer given to Question No. 15.

UNREPEALED ACTS AND REGULATIONS IN FORCE IN KUMAUN.

* 14. **Pandit Govind Ballabh Pant:** Will the Government be pleased to state—

(a) which of the unrepealed Acts and Regulations are in force in Kumaun; and

(b) which are not?

The Hon'ble Mr. S. P. O'Donnell: All laws which by their terms apply to the whole of British India or the whole of the United Provinces or the whole of the province of Agra, and those expressly declared to be in force in Kumaun by notification under the Scheduled Districts Act are in force in Kumaun. Other laws are not in force in Kumaun unless expressly extended by notification under the Scheduled Districts Act.

Pandit Govind Ballabh Pant: Will the Government be pleased to state as to what laws have been extended and what have not been extended to Kumaun?

The Hon'ble Mr. S. P. O'Donnell: It would involve the examination of an enormous number of laws. The honourable member, who is himself a lawyer, is in just as much a position to carry that out as I am.

Pandit Govind Ballabh Pant: Am I to understand that no such record is maintained in the Secretariat?

The Hon'ble Mr. S. P. O'Donnell: We have not examined all the Acts that have been passed in British India.

REMOVAL OF KUMAUN FROM THE SCHEDULED DISTRICTS ACT.

* 15. **Pandit Govind Ballabh Pant:** Will the Government be pleased to remove Kumaun from the schedule annexed to the Scheduled Districts Act so that Kumaun may cease to be a scheduled district?

The Hon'ble Mr. S. P. O'Donnell: It is not clear to the Government that the change suggested is required or would substantially benefit Kumaun. It could not, in any case, be carried out without the enactment of a series of new Acts, including a Rent Act, a Revenue Act, and a Police Act, and it is obvious that at the present moment when the Government have in hand a number of urgent and important legislative projects, it is not possible for them to undertake the extensive legislation involved. They are, however, prepared to examine the whole question as soon as practicable.

AFFILIATION OF KUMAUN WITH THE HIGH COURT.

* 16. **Pandit Govind Ballabh Pant:** (a) Will the Government be pleased to state if orders sanctioning affiliation of Kumaun with the Hon'ble High Court at Allahabad in civil matters were passed by the Government of India and the Right Hon'ble Secretary of State for India about a decade ago?

(b) Is it a fact that District and Subordinate Judges for trying civil cases in Kumaun were established more than a decade ago?

(c) Will the Government be pleased to carry out the abovementioned reform and to establish civil courts in Kumaun from the commencement of the next financial year?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: (a) The matter was referred to the Secretary of State more than ten years ago in connection with the increase in the judicial cadre. This increase, which allowed for the extension of the jurisdiction of the High Court to Kumaun, was sanctioned by the Secretary of State.

(b) No, but Deputy Commissioners have for many years past been exercising the powers of District Judges for the trial of civil cases.

(c) The honourable member is referred to the debate on a resolution on this subject which took place on the 16th December, 1924.

Pandit Govind Ballabh Pant : Was a District Judge appointed some time in 1914 with a view to exercise civil jurisdiction in Kumaun ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

Mr. Mukandi Lal : What steps did the Government take after the Secretary of State had sanctioned the affiliation of Kumaun to the High Court?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I will refer the honourable member to my reply to the resolution on the subject.

Pandit Govind Ballabh Pant : Was a Subordinate Judge appointed in 1914 in order to exercise civil jurisdiction in Kumaun ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : He was only appointed for the Pilibhit district.

Pandit Govind Ballabh Pant : Not for Kumaun ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : A . He was not appointed to deal with Kumaun cases.

RENEWAL OF LEASES IN RAE BARELI MUNICIPALITY.

* 20. **Shaikh Abdus Samad Ansari :** (a) Has the Government proposed to give new leases to owners of old houses situate in the municipality of Rae Bareli ?

(b) If so, what are the terms of such leases ?

(c) Will the Government be pleased to lay a copy of the lease on the table ?

The Hon'ble Mr. S. P. O'Donnell : (a) Yes.

(b) and (c) The terms of the leases are given in the lease form, a copy of which is placed on the honourable member's table.

Shaikh Abdus Samad Ansari : What is the rate of rent ?

The Hon'ble Mr. S. P. O'Donnell : I imagine the rate of rent varies. I think in most cases the rent is purely nominal.

ARYA SAMAJISTS AND THE DEPUTY COMMISSIONER, SULTANPUR.

* 21. **Shaikh Abdus Samad Ansari :** Is the Government aware that Mr. V. N. Mehta, the present Deputy Commissioner of Sultanpur, attended a meeting of the Arya Samajists in December, 1923 soon after his posting and arrival at Sultanpur ?

The Hon'ble Mr. S. P. O'Donnell : The Deputy Commissioner and other district officials attended an anniversary meeting and heard a lecture on the depressed classes.

* 22. **Shaikh Abdus Samad Ansari :** Were scurrilous attacks against Islam and its Prophet made in the Arya Samajist meetings and were these attacks subsequently published and widely circulated ?

The Hon'ble Mr. S. P. O'Donnell : Not at the meeting referred to in Question No. 21. A religious disputation at a meeting fifteen days later developed some heat and was followed by pamphleteering. The Government have not seen the pamphlets but understand that some of the references to Islam were in more than doubtful taste.

Hafiz Hidayat Husain : Have the Government seen copies of the speeches made there ?

The Hon'ble Mr. S. P. O'Donnell : No.

Rai Bahadur Lala Sita Ram : Are Government officers not prohibited from attending meetings of the Arya Samaj ?

The Hon'ble Mr. S. P. O'Donnell : It all depends on the character and the object of the meeting.

* 23. **Shaikh Abdus Samad Ansari :** (a) Did the Musalmans of Sultanpur file a criminal complaint on the basis of this publication ?

(b) Did the trying Magistrate strike off the complaint before the date fixed for hearing the case and without hearing the complainants' arguments in support of their case ?

(c) Has the Government been advised on the legality or otherwise of the procedure ?

(d) If so, with what result ?

The Hon'ble Mr. S. P. O'Donnell : (a) Yes.

(b) The complaint was dismissed because the sanction of the Government had not been previously obtained under sections 153(a) and 505, Indian Penal Code.

(c) The Government are advised that this decision was perfectly legal.

(d) An application was filed asking the court to move for the necessary sanction, but was subsequently withdrawn when the dispute was settled out of court.

Shaikh Abdus Samad Ansari : Under what section was the complaint filed ?

The Hon'ble Mr. S. P. O'Donnell : I suppose under section 153(a), Indian Penal Code.

Shaikh Abdus Samad Ansari : Have the Government got any definite information on the point ?

The Hon'ble Mr. S. P. O'Donnell : I have already stated that the complaint was dismissed because the sanction of the Government had not been previously obtained under sections 153 (a) and 505, Indian Penal Code.

Muharram AND Chehlum PROCESSION AT SULTANPUR.

* 24. **Shaikh Abdus Samad Ansari :** (a) Is it a fact that the Deputy Commissioner of Sultanpur blockaded the route of the *Muharram* procession on some procession days by posting armed police and opened it on other procession days ?

(b) What were the causes which led the Deputy Commissioner to pass such contradictory orders ?

The Hon'ble Mr. S. P. O'Donnell : (a) and (b) An itinerary of *tazia* and *alam* processions was in the first instance drawn up by the circle inspector and the kotwal based on established custom. There was a difference of opinion as to the route to be followed by three *alams*. They were at first directed to follow the route laid down in the official itinerary but subsequently the Deputy Commissioner agreed to allow them to

use an alternative route subject to a clear understanding that the matter would be investigated after the *Muharram*. The *taziadars* thus completed their ceremonies as they desired.

Shaikh Abdus Samad Ansari : On what date were the *alams* allowed to take the route laid down in the official itinerary ?

The Hon'ble Mr. S. P. O'Donnell : I cannot say what the dates were.

Shaikh Abdus Samad Ansari : Was the route the same during the last *Muharram* or the route varied on different dates ?

The Hon'ble Mr. S. P. O'Donnell : There appears to have been an established custom in the matter.

Shaikh Abdus Samad Ansari : Was the *Muharram* procession stopped from passing a certain route ?

The Hon'ble Mr. S. P. O'Donnell : No, so far as I remember.

Shaikh Abdus Samad Ansari : Why was Babu Ram Bihari Sahi deputed as investigating officer when the circle inspector was already there ?

The Hon'ble Mr. S. P. O'Donnell : He was a deputy magistrate and I presume in charge of that particular circle.

Shaikh Abdus Samad Ansari : He is only the Treasury officer ?

The Hon'ble Mr. S. P. O'Donnell : He is a fully qualified magistrate and I know of no reason why he should not make the inquiry.

* 25. **Shaikh Abdus Samad Ansari :** Is it a fact that the house of Murli, son of Chhotai, Halwai, of Sultanpur has been declared by the Government not to be a place of public worship ?

The Hon'ble Mr. S. P. O'Donnell : It has been declared not to be a place of public worship.

* 26. **Shaikh Abdus Samad Ansari :** Has the house of Maiki, Halwain, of Sultanpur been allowed to be built on the express understanding that it will not be used as a temple ?

The Hon'ble Mr. S. P. O'Donnell : The Deputy Commissioner reports that it is treated as an ordinary house.

* 27. **Shaikh Abdus Samad Ansari :** Are the houses referred to in the preceding questions being used as temples with the permission or the knowledge of the district authorities ?

The Hon'ble Mr. S. P. O'Donnell : No.

* 28. **Shaikh Abdus Samad Ansari :** Is it a fact that the *tazia* procession on the last *Chehlum* day along with a large crowd could not pass for about three hours because a Hindu mendicant remained sitting with a conch by his side in the way near the river bank of Sultanpur ?

The Hon'ble Mr. S. P. O'Donnell : I give the Deputy Commissioner's report *in extenso*, as it illustrates the difficulties with which our officers have to contend :—

“ When the *Chehlum* procession had passed uneventfully through the town and was on its way to the Karbala, word was brought to the Deputy Commissioner and the Superintendent of Police that the procession had stopped because a bairagi had been sitting with a conch alongside the road leading to the Karbala. The officials reached the spot and opened

a parley with the honourable member who has put this question. He was assured that as the bairagi was sitting off the road and as a guard had already been put on him it was not possible for him to blow the conch and create disturbance when the *taziadars* would be busy with the burial ceremony. The honourable member talked to the *taziadars* but without success and informed the Deputy Commissioner that they would not listen to his advice to proceed and wanted the conch to be removed. The conch was quietly removed from the custody of the bairagi. Then the processionists insisted on the bairagi being moved away from the place altogether. As he had not been sitting in the way but off it, the request would have been enforced with difficulty, but the Deputy Commissioner and Superintendent of Police with *hikmat aml*i persuaded the bairagi to have a bath in the river and the procession moved on and completed its work. The delay was due to the unreasonable attitude of the processionists who were not open to argument even from the side of the honourable member."

* 29. **Shaikh Abdus Samad Ansari:** (a) Were the *tazias* buried in the presence of the Deputy Commissioner during the last *Chehlum* taken out of their burial places by the authorities at Sultanpur when the Musalmans had left the place?

(b) If so, who ordered it?

The Hon'ble Mr. S. P. O'Donnell: (a) and (b) No.

* 30. **Shaikh Abdus Samad Ansari:** Has any inquiry been made about the route of *Muharram* procession which was stopped this year by Mr. V. N. Mehta, the Deputy Commissioner of Sultanpur?

The Hon'ble Mr. S. P. O'Donnell: Inquiry is not yet complete.

Dasehra PROCESSION AT SULTANPUR.

* 31. **Shaikh Abdus Samad Ansari:** Were processions during the last *Dasehra* made to pass unprecedented routes with long and noisy halts before the mosques at Sultanpur?

The Hon'ble Mr. S. P. O'Donnell: No.

* 32. **Shaikh Abdus Samad Ansari:** Were there any new processions during the last *Dasehra* at Sultanpur? If so, what is their number and their nature?

The Hon'ble Mr. S. P. O'Donnell: No. Only the customary processions were taken out.

ATTACK ON MR. ABDUL AZIZ.

* 33. **Shaikh Abdus Samad Ansari:** (1) Has any inquiry been made about the murderous attack which was made against Mr. Abdul Aziz, Barrister-at-Law, at Sultanpur, in the night intervening the 4th and 5th of November, 1924?

(2) If so, who conducted the inquiry?

(2) What has been the result of this inquiry, if any?

The Hon'ble Mr. S. P. O'Donnell: (1) Inquiry was made at once.

(2) B. Ram Bihari Sahi, Deputy Magistrate, and M. Hamid Ali, circle inspector.

(3) They examined twenty-six witnesses, but as Mr. Abdul Aziz, who was certified by the Civil Surgeon to be in full possession of his senses throughout, refused to make a statement, the inquiry could not be completed. The statements of the witnesses were contradictory and disclosed no clue as to the assailants. There is reason to believe that the assault was the result of private quarrel.

DEPUTATION OF MR. UPADHYA TO ENGLAND.

* 35. **Mr. Muhammad Aslam Saifi** : With reference to my unstarred Question No. 7 printed on page 186 of the Council Proceedings, dated the 8th September, 1924, will the Government be pleased to state if the report which Mr. Upadhyas has been asked to submit, vide the reply, has been received?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : A preliminary report has been received.

* 36. **Mr. Muhammad Aslam Saifi** : Does the Government propose to publish the report? If so, when?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government do not think that any useful purpose will be served by the publication of the report.

Mr. Muhammad Aslam Saifi : Does not Mr. Upadhyas's report contain his experience of the co-operative system as worked in England?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : As far as I remember, there are no suggestions and no experience of the writer in England.

Mr. Muhammad Aslam Saifi : Will the Hon'ble Minister kindly place a copy of the report on the table?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : A copy of the report will be placed on the honourable member's table.

ISLAMIA SCHOOLS.

* 37. **Mr. Muhammad Aslam Saifi** : (1) Will the Government be pleased to state the amount of grant that it has made towards special Islamia schools since the resolution on this subject of the Government of Sir James Meston, i.e. for the years 1915-16, 1916-17, 1917-18, 1918-19, 1919-20, 1920-21, 1921-22, 1922-23, 1923-24, and 1924-25?

(2) Will the Government be pleased to show the number of such schools against each of the above years?

The Hon'ble Rai Rajeshwar Bali : (1) A statement is laid on the table of the honourable member.

Prior to 1919-20 no special assistance was given by Government towards Islamia schools and *maktabs*.

(2) The information is being collected.

Statement of expenditure, laid down by Government, on Islamia schools and maktabs maintained or aided by district boards.

						Rs.
1919-20	..	..	..	..	..	1,19,929
1920-21	..	..	..	..	..	2,03,491
1921-22	..	..	..	..	..	2,69,385
1922-23	..	..	..	..	..	3,13,522
1923-24	..	..	..	..	..	3,35,541
1924-25	..	..	..	..	..	3,45,500

* 38. **Mr. Muhammad Aslam Saifi :** Will the Government be pleased to state the number of Muhammadan deputy inspectors of schools specially appointed to supervise Islamia schools, and the number of such schools in the division of each of these deputy inspectors?

The Hon'ble Rai Rajeshwar Bali : (a) Nine:

(b) Meerut division	..	..	..	..	90
Agra	..	..	..	..	69
Rohilkhand division	..	..	..	..	118
Fyzabad	..	..	..	..	90
Benares	..	..	..	..	157
Lucknow	..	..	..	..	65
Allahabad	..	..	..	..	75
Gorakhpur	..	..	..	..	62
Jhansi division	..	..	..	..	36

* 39. **Mr. Muhammad Aslam Saifi :** (1) Have these deputy inspectors of schools been able to inspect in each year all the Islamia schools in their divisions?

(2) Do the deputy inspectors of schools and sub-deputy inspectors of schools also inspect these schools?

The Hon'ble Rai Rajeshwar Bali : (1) No.

(2) Yes.

* 40. **Mr. Muhammad Aslam Saifi :** Do the Muhammadan deputy inspectors of schools submit copies of their inspections to the district boards concerned and also an annual report on the progress of these special schools to the boards?

The Hon'ble Rai Rajeshwar Bali : The honourable member is referred to paragraph 58 of the United Provinces Educational Code.

* 41. **Mr. Muhammad Aslam Saifi :** Are the district boards in charge of the special Islamia schools also like the vernacular primary and secondary schools or is the Government directly responsible for these special schools?

The Hon'ble Rai Rajeshwar Bali : The district boards are in charge of Islamia schools.

* 42. **Mr. Muhammad Aslam Saifi :** (1) Has the Government allotted any amount for buildings of such schools?

(2) If so, what is the amount?

The Hon'ble Rai Rajeshwar Bali : (1) and (2) No building grants have been specially earmarked for Islamia schools; building grants for these schools are included in those for boards' schools.

REDUCTION OF CLERICAL STAFF IN POLICE OFFICES.

* 44. **Pandit Jhanni Lal Pande :** Is it a fact that the posts of statistical clerks and despatchers in the district police offices have been brought under reduction?

* 45. Will the Government be pleased to state from when and under what conditions will the present incumbents be relieved?

* 46. Will the Government be pleased to state what provisions will it make for such qualified clerks as have now become over-age and who will be relieved when the orders are enforced?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the answers given to starred Questions Nos. 6 and 9 of the 17th December, 1924.

* 47. **Pandit Jhanni Lal Pande:** (1) Is it a fact that a few of the statistical clerks getting Rs. 40 to Rs. 60 per mensem have been provided in the English office of the Superintendents of Police as assistant clerks on Rs. 35 per mensem?

(2) If so, will the Government be pleased to raise their salaries by granting them personal pay as was done in the case of sadr qanungos when their posts were brought under reduction?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the answer given to starred Question No. 6 of the 17th December, 1924.

* 48. **Pandit Jhanni Lal Pande:** Will it further please the Government to give preference to such of these discharged clerks as are qualified to be nominated as sub-inspectors for training?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: If a discharged clerk is qualified in all respects he can be nominated in the usual way and the divisional selection committee will doubtless give due consideration to the fact that he has Government service to his credit.

Pandit Jhanni Lal Pande: Would any concession as to the age-limit be given to such discharged persons?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Well, if they are over-age then their case will not be so strong as the case of others.

Pandit Jhanni Lal Pande: Would it consider?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: I hope so.

* 49. **Pandit Jhanni Lal Pande:** Will the Government be further pleased to sanction retiring pensions to other clerks of the Police department who have completed 30 years' service so as to provide for these discharged and unemployed clerks?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: The honourable member is referred to the answer given to starred Question No. 7 of the 17th December, 1924.

PROVINCIAL MEDICAL SERVICE.

* 50. **Babu Bhagwati Sahai Bedar:** Is it a fact that a member of the Provincial Medical Service, when he is ordered to take up appointment as a Civil Surgeon, is allowed travelling allowance as a second class officer, both when joining and reverting, notwithstanding the fact that a Civil Surgeon is classed as a first class officer? If yes, will the Government so alter the Travelling Allowance Rules as to make them eligible to draw first class travelling allowance?

The Hon'ble Rai Rajeshwar Bali: Yes. This is in accordance with the rule which applies to all services and Government do not propose to alter it.

REPRESENTATIVES OF DEPRESSED CLASSES IN DISTRICT BOARD,
MORADABAD.

* 52. **Babu Bhagwati Sahai Bedar** : How many members has the Government nominated to the district board of Moradabad and are any of them representatives of the depressed classes ?

The Hon'ble Rai Rajeshwar Bali : Two, one of whom represents the depressed classes.

MEMORIALS OF POLICE DEPARTMENT EMPLOYEES.

* 53. **Babu Bhagwati Sahai Bedar** : Will the Government be pleased to state—

- (a) the number of memorials or appeals made to the Government by the employees of the Police department through the Inspector-General of Police during the last four years ;
- (b) the number of these appeals or memorials forwarded to the Government and with what result ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The figures are not available and cannot be obtained without a very considerable amount of clerical labour.

POLICE SERGEANTS.

* 54. **Babu Bhagwati Sahai Bedar** : Will the Government be pleased to state—

- (a) the strength of the police sergeants in these provinces ;
- (b) the period and place of their training ;
- (c) their average monthly emoluments ;
- (d) the number of Indians hitherto enlisted as police sergeants ;
- (e) their rank as compared with the Indian police staff ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to the answers given to starred Questions Nos. 67 and 68 of the 15th December. There are two grades of sergeants on Rs. 125 and Rs. 150, respectively.

INDIAN AND EUROPEAN MAGISTRATES AT JHANSI AND LALITPUR.

* 56. **Pandit Bhagwat Narayan Bhargava** : (1) How many joint magistrates, assistant magistrates, and assistant superintendents of police have been recently posted to the Jhansi district ?

(2) How many of them are Indians and how many Europeans ?

(3) Is it a fact that all those whom they have replaced were all Indians ?

(4) Why has this change been made ?

The Hon'ble Mr. S. P. O'Donnell : (1) During the present calendar year, one joint magistrate and three assistant superintendents of police have been posted to the district. Another joint magistrate will be posted to the Lalitpur sub-division during the present month.

(2) Of the joint magistrates, one is a European and the other an Indian, is being sent to Lalitpur. Of the assistant superintendents of police two are Europeans and one Indian.

(3) The Indian joint magistrate will replace the present sub-divisional officer, Lalitpur, who is a deputy collector. The two European assistant superintendents of police replaced an Indian assistant and an Indian deputy superintendent.

(4) In the ordinary course of business.

* 57. **Pandit Bhagwat Narayan Bhargava :** Is it a fact that the District Magistrate lately recommended to the Government that there must be a European Magistrate at Jhansi and one at Lalitpur.

The Hon'ble Mr. S. P. O'Donnell : No. The abolition of cantonment magistrates, however, makes a European joint magistrate desirable at Jhansi.

Pandit Bhagwat Narayan Bhargava : Is the Government willing to post in each district European magistrates where cantonment magistrates have been abolished?

The Hon'ble Mr. S. P. O'Donnell : Probably not.

Pandit Bhagwat Narayan Bhargava : Why is it necessary to post a deputy magistrate in Jhansi instead of the cantonment magistrate in Jhansi?

The Hon'ble Mr. S. P. O'Donnell : I did not say it was necessary. It was desirable, as there are few joint magistrates available.

* 58. **Pandit Bhagwat Narayan Bhargava :** (1) How long has Mr. G. A. Dhavley alone been working as a Sub-Divisional Magistrate at Lalitpur?

(2) How many days did he tour during his stay there and how many inspections did he make?

(3) Was he given any assistant magistrate to look after the work of the sub-division during the time he held the office of a sub-divisional magistrate? If so, for how many days?

The Hon'ble Mr. S. P. O'Donnell : Information of this type is not reported to the Government.

* 59. **Pandit Bhagwat Narayan Bhargava :** (1) Is it a fact that he is now being sent to Jhansi and some European Magistrate being sent in his place?

(2) If so, will that European Magistrate get an Indian 1st class Magistrate for his assistance?

The Hon'ble Mr. S. P. O'Donnell : He is being replaced for the cold weather by an Indian joint magistrate. An extra magistrate is required during the cold weather to relieve the sub-divisional officer of cases whilst he is in camp and to enable him to undertake the quinquennial settlements which fall due this year.

* 60. **Pandit Bhagwat Narayan Bhargava :** Is it a fact that in early November there were three extra magistrates at Jhansi? If so, with what powers is each invested and what work has been assigned to each?

The Hon'ble Mr. S. P. O'Donnell : No, there were two extra second class officers under training. Both have since gone to the training class at Moradabad.

MUSALMANS IN THE THOMASON ENGINEERING COLLEGE, ROORKEE.

* 61. **Mr. Muhammad Aslam Saifi :** (1) Are there any Musalman professors in the Thomason Civil Engineering College, Roorkee?

(2) If so, how many?

(3) Will the Government be pleased to state their names and salaries and the date of their appointment?

(4) How many Musalman students are there in the Civil Engineering class out of the total number of students in this class?

(5) What is the cause of their paucity?

(6) Is it due to their failing to pass the Entrance examination of the institution, or is it because none has sought admission?

(7) How many Musalman students are there in the Overseer class?

(8) What is the total expenditure of this college?

(9) What proportion of it is borne by this Government and what proportion by other provincial Governments from whose territories students come to this institution for training?

The Hon'ble Rai Rajeshwar Bali : (1) No.

(2) Does not arise.

(3) Does not arise.

(4) 5 out of 87.

(5) They failed to pass the Entrance examination of the college.

(6) Because they failed to pass the Entrance examination.

(7) One.

(8) Rs. 4,06,315.

(9) Rs. 2,43,143 by the United Provinces Government and Rs. 1,63,172 by other provinces, Indian States or the students.

RULES AND REGULATIONS UNDER THE DISTRICT BOARDS ACT.

* 64. **Mr. Muhammad Aslam Saifi :** (1) Will the Government be pleased to state if it had made rules and regulations which it has power to make under various sections of the District Board Act, 1922? If so, please quote dates of their publications in the Government Gazette.

(2) Is the Government aware that that Act was enforced in 1922 and the elections of 1923 took place in accordance therewith?

(3) Is the Government aware that for want of these rules and regulations the board have to conduct their business without them?

(4) Will the Government be pleased to explain the reasons of this extraordinary delay in making the rules and regulations?

The Hon'ble Rai Rajeshwar Bali : (1) The rules which have been finally made and which have been notified for objections, together with the dates of their publication in the Gazette, are mentioned in the list placed on the honourable member's table. Regulations for the control of the provident fund of district board employees have also been notified for objections. Regulations on other matters are primarily for district boards to make.

(2) Yes.

(3) Many of the rules made under the old Act are still in force and govern the conduct of district board business.

(4) The reason for the delay is that the new rules have to be adjusted to the altered conditions and require careful consideration.

IMPERIAL BANK AT MEERUT.

* 65. (1) **Mr. Muhammad Aslam Saifi** : Is the Government aware that the branch of Imperial Bank at Meerut is located at a distance of two miles from the Government treasury and of three miles from the city ?

(2) Will the Government be pleased, in order to obviate the inconvenience of the public, to permit the opening of a sub-treasury within the court compound ?

The Hon'ble Mr. S. P. O'Donnell : (a) Yes.

(b) By sub-treasury it is understood that the honourable member means a subordinate branch of the Bank. If so, that is a matter for the Bank to decide. Government have no control over the Bank.

Mr. Muhammad Aslam Saifi : Will the Government be pleased to take steps to remove the grievance of the people ?

The Hon'ble Mr. S. P. O'Donnell : I am not sure that that result will follow. We will, however, send a copy of the question and answer to the Imperial Bank.

TIME-SCALE TO CLERICAL STAFF OF COLLECTORATES.

* 66. (1) **Mr. Muhammad Aslam Saifi** : Has the clerical staff of the collectorates the advantage of time-scale ?

(2) If not, will the Government be pleased to take this question into consideration ?

(3) If so, when ?

The Hon'ble Mr. S. P. O'Donnell : (1) No.

(2) and (3) Government are not in favour of the suggestion.

GRANTS-IN-AID TO DISTRICT BOARDS FOR AGRICULTURAL WORK.

* 68. **Hafiz Hidayat Husain** : Have the Board of Agriculture given any grants-in-aid to any of the district boards for agricultural work ? If so, to which district and for what work ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The Board of Agriculture has given the following grants-in-aid to district boards :—

Rupees 1,590 to the Etawah district board for pumping plant at the farm at Rao Narsingh Rao of Dhakpurwa,

Rupees 1,900 to the Etawah district board for constructing bunds in tahsils Auraiya and Bharrthana.

Rupees 1,300 to the Rae Bareilly district board, being half the cost of boring plant required.

The following grants have also been given to the district boards named below for schemes for cattle-breeding, seed-distribution, and demonstration purposes :—

						Rs.
Mainpuri	..	..	..	..	..	800
Echawah	..	..	..	..	..	900
Moradabad	..	..	..	..	..	500
Hardoi	..	..	..	..	..	2,000
Bareilly	..	..	..	..	..	580
Jaunpur	..	..	..	..	..	550
Azamgarh	..	..	..	..	..	530
Unao	..	..	..	..	..	530
Jalaun	..	..	..	..	..	1,000
Bijnor	..	..	..	..	..	3,000
Agra	..	..	..	..	..	2,000

KALYAN SEED FARM, CAWNPORE.

* 69. **Hafiz Hidayat Husain** : What is the financial position of the Kalyan Seed Farm (Cawnpore district) during the year ending June, 1924?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable member is referred to page 7 of the department of Agriculture's report for the year ending 30th June, 1924.

INDIAN BOARDERS IN EUROPEAN AIDED SCHOOLS.

* 74. **Babu Mohan Lal Saksena** : Will the Government be pleased to state if it is a fact that Indian students are not allowed admission as boarders in La Martinière College and other Government aided European schools? If so, will the Government issue directions to the authorities concerned not to refuse admission to boarding-houses and hostels on racial or communal grounds?

The Hon'ble Mr. S. P. O'Donnell : In La Martinière College and some other Government aided European schools, Indians are not admitted as boarders but as day-scholars only. As grants are not given to European schools towards the maintenance of boarding-houses or hostels, Government are not prepared to interfere with the managers' discretion in the matter of admission of boarders.

GOVERNMENT'S ACTION ON RESOLUTION re INTRODUCTION OF SPINNING WHEELS.

* 76. **Babu Mohan Lal Saksena** : Will the Government be pleased to state what action does it propose to take on the resolution regarding introduction of spinning wheels in educational institutions passed during the last session of the Council?

The Hon'ble Rai Rajeshwar Bali : Spinning will be included in the curricula of all recognized girls' schools as an optional subject.

COMMUNAL RIOT AT PIHANI.

* 77. **Saiyid Muhammad Ashiq Husain** : Is it a fact that the Muhammadans of Pihani this year were stopped by authorities under the orders of section 144, Criminal Procedure Code, from carrying a *tazia* in procession on the 20th day of *Ashra of Muharram* (i.e., *Biswan* ceremony), and the Hindus were allowed to carry a *Dadhkan-don* (*Ramdol*) despite the protest by the Muslims of Pihani?

The Hon'ble Mr. S. P. O'Donnell : The procession which the Muhammadans of Pihani wished to take out on the 20th day of *Ashra* of *Muharram* was an innovation and it was thought that the procession was intended to be taken out to cause friction with a Hindu procession which was not an innovation. The taking out of the Muhammadan procession was stopped under section 144, Criminal Procedure Code.

*** 78. Saiyid Muhammad Ashiq Husain :** Is the Government aware that a riot took place between the Hindus and Muslims on the 29th of August, 1924, by the mosque of Chipitola in Pihani, while the said procession was passing? If so, what were the numbers of the mob on each side, and how did the riot begin, and how was it suppressed and peace restored without any serious loss of life and who were the persons who did work for peace even by putting their life in danger?

The Hon'ble Mr. S. P. O'Donnell : A small riot took place on the 29th of August between Hindus and Muslims in the neighbourhood of the Chipitola mosque. The riot was caused by a band of some 25 to 30 Muhammadans throwing brickbats at the Hindu procession as it was passing the mosque. The Hindu procession numbered some seven or eight thousand persons. The riot was prevented from spreading by the intervention of the local police and the Sub-Divisional Magistrate.

ALLEGATIONS AGAINST MAULVI ABDUL HAMID, DEPUTY COLLECTOR.

*** 87. (a) Babu Nemi Saran :** With reference to my starred Question No. 136 of the 9th September, 1924, will the Government be pleased to state what action has been taken by the Government on the memorial of the zamindars of tahsil Bilhaur of Cawnpore district?

(b) Will the Government be pleased to lay a copy of the Commissioner's report on the table?

(c) Is Khan Bahadur Maulvi Abdul Hamid Khan still in charge of Bilhaur sub-division?

The Hon'ble Mr. S. P. O'Donnell : (a) and (b). The honourable member is referred to the answers given to starred Questions Nos. 137 of 9th September, 1924, and 130 of 17th December, 1924.

(c) The sub-divisional arrangements in the Cawnpore district have not been reported to Government.

Babu Nemi Saran : What action has the Commissioner taken, may I know?

The Hon'ble Mr. S. P. O'Donnell : I am not aware that the Commissioner has taken any action. He has submitted no report to the Government.

Babu Nemi Saran : Will the Government think it advisable to enlighten this Council about it next time?

The Hon'ble Mr. S. P. O'Donnell : I have already explained that the Government have left the matter entirely to the Commissioner.

Hafiz Hidayat Husain : Is the Government aware that lately the magistrate has been transferred from the Bilhaur pargana to the Ghatampur pargana?

The Hon'ble Mr. S. P. O'Donnell : Such arrangements are not reported to the Government.

Starred Question No. 2 of the 10th September, 1924, asked by LALA MATHURA PRASAD MEHROTRA SAHIB.

* (a) Is it a fact that 280 zamindars of Bilhaur tahsil, district Cawnpore, have petitioned His Excellency the Governor to redress their grievances against Deputy Collector Khan Bahadur Maulvi Abdul Hamid Khan?

(b) Was the attention of the Government drawn to the remarks of the Hon'ble Mr. C. Walsh, Judge of the High Court, Allahabad, B. Khired Gopal Banerji, and Babu Ram Chandra Saksena, Additional Sessions Judges, Cawnpore, in their judgments?

(c) Will the Government be pleased to transfer him at once to some other district and institute an inquiry at an early date into the grievances of the petitioners?

(The answer given to the above.)

* (a) and (c) The honourable member is referred to the answers to starred Questions Nos. 136 and 137 for the 9th September.

(b) Yes.

Starred Question No. 136 of the 9th September, 1924, asked by BABU NEMI SARAN SAHIB.

* Has any memorial been received by the Governor from the zamindars of tahsil Bilhaur, district Cawnpore, praying for a commission to inquire into the alleged misdoings of Khan Bahadur Maulvi Abdul Hamid Khan, deputy collector?

(The answer given to the above.)

* Yes.

Starred Question No. 137 of the 9th September, 1924, asked by BABU NEMI SARAN SAHIB.

* If so, does the Government contemplate appointing the commission?

(The answer given to the above.)

* The memorial was sent to the Commissioner of Allahabad for disposal or report if necessary. Pending the receipt of any report which the Commissioner may consider necessary, no further action will be taken.

Starred Question No. 130 of the 17th December, 1924, asked by LALA MATHURA PRASAD MEHROTRA SAHIB.

With reference to my starred Question No. 2, dated the 10th September, 1924, will the Government be pleased to state the result of the inquiry and what steps are to be taken in the matter.

(The answer given to the above.)

* The Commissioner has not found it necessary to submit a report to the Government.

AZIZ AHMAD, SUB-INSPECTOR, VS. MUSAMMAT SHIAMA, VILLAGE SARHA, BUDAUN.

* 88. Babu Nemi Saran: (a) Will the Government be pleased to say what action it has taken against Aziz Ahmad, sub-inspector, referred to in answer to starred Question No. 216 of the 6th September, 1924?

(b) Did the Government make any further inquiry as was given out in reply to my supplementary question to Question No. 217 of the 6th September, 1924? If so, what, and with what results?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) A case has been instituted against the sub-inspector under section 7, Act V of 1861, and the Deputy Inspector-General, III Range, is now disposing of it.

(b) A further inquiry was made on certain points by the Deputy Inspector-General, II Range, with the result that a case was instituted as above.

BOARD OF REVENUE'S CIRCULAR LETTER.

* 89. **Babu Nemi Saran :** (a) On what principle was the Board of Revenue's circular letter No. 6-Judicial—320-B, dated the 17th October, 1924, issued?

(b) Why were some ejectment cases allowed to be proceeded with while others were suspended?

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to the answer given to starred Question No. 96, asked by Mr. Muhammad Aslam Saifi, on the 19th December, 1924.

JAIL COMMISSION.

* 90. **Babu Nemi Saran :** (a) Is the Government still considering the recommendations of the Jail Commission?

(b) Will the Government consider the advisability of appointing a committee at an early date to suggest which of these recommendations can be suitably applied with any modifications (if necessary) to the jails in these provinces?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : (a) It is understood that the honourable member refers to the Indian Jails Committee of 1919-20. A large number of the recommendations of this committee have already been carried out. Others involve appreciable expenditure and have had to be deferred. In that sense it may be said that the committee's recommendations are being considered.

(b) Government see no advantage in the appointment of a committee.

JUAR DIET IN BIJNOR JAIL.

* 91. **Babu Nemi Saran :** What action has been taken on the unanimous recommendations of the non-official visitors of the Bijnor jail regarding the abolition of *juar* diet in that jail?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to the answer given on the 15th December, 1924, to his unstarred Question No. 60 for the 5th September, 1924. While exception was taken to this diet in the Bijnor jail, other non-official visitors are reported to have spoken well of it.

Babu Nemi Saran : May I know which jail has spoken well of it?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I ask for further notice.

Unstarred Question No. 60 asked by BABU NEMI SARAN SAHIB at the Council meeting of the 5th September, 1924.)

(a) Has the attention of the Government been drawn to the unanimous opinion of the non-official visitors of the Bijnor jail regarding the unsuitability of the *juar* diet for the prisoners?

(b) Does the Government contemplate stopping the practice of resuming that diet again in the month of February?

(Answer to above.)

(a) The attention of Government had not been drawn to the opinion referred to prior to the receipt of this question. Inquiry shows that the dietary was one-third wheat.

(b) No.

ABDUL KARIM IN BAREILLY JAIL.

*96. Babu Damodar Das : Did Mr. Abdul Karim ask to be permitted to consult a legal adviser when his term of imprisonment was enhanced in Bareilly jail?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : No.

Babu Damodar Das : Will the Government institute an inquiry and take the evidence of the released prisoner because the prisoner has stated that he did ask and he was refused and that he has got some evidence?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The Government will consider the question.

Thakur Manjit Singh Rathor : On what ground was the enhancement made?

The Hon'ble the President : That question does not arise.

* 97. Babu Damodar Das : Was he refused? If so, on what grounds?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Does not arise.

LADY DOCTORS IN RAPE CASES.

*98. Babu Damodar Das : Will the Government arrange that ladies are always examined by lady doctors alone in rape and similar cases and not by male doctors?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The honourable member is referred to the answer given to Council Question No. 37 for the 16th December, 1924.

Babu Damodar Das : Will the Government be pleased to arrange for lady doctors where they are available?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : The Government will consider the suggestion.

Babu Nemi Saran : Is the Government aware that this sort of thing is repugnant to the notions of Indian etiquette?

(No reply.)

(Starred Question No. 37 for the Council meeting of the 16th December, 1924, asked by BABU DAMODAR DAS SAHIB.)

Will the Government issue instructions that only lady doctors be allowed to examine rape cases and made arrangements to provide lady doctors where there are none for such cases?

(Answer to above.)

* **The Hon'ble Raja Sir Muhammad Ali Muhammad Khan**: In the present conditions the issue of the orders proposed would be ineffectual in view of the scarcity of qualified lady doctors in Government service, and financial considerations prevent action being taken on the lines of the last part of the question.

FEE CHARGED ON SALES OF ANCESTRAL LAND.

* **102. Rai Bahadur Thakur Mashal Singh**: Is the Government aware that in Board's Circular No. 25, department II, rule 39(1) which prescribes the amount of fee charged on sales of ancestral lands in execution of civil court decrees, a new clause has been added which runs as follows:—

“Where such amount exceeds Rs. 2,000— $6\frac{1}{4}$ per cent?”

The Hon'ble Mr. S. P. O'Donnell: Yes.

* **103. Rai Bahadur Thakur Mashal Singh**: Is the Government aware that this newly-added clause has had the effect of raising the fee from Rs. 2 per thousand to Rs. 62-8 per thousand, in sales in which the purchase money exceeds Rs. 2,000?

The Hon'ble Mr. S. P. O'Donnell: Yes.

* **104. Rai Bahadur Thakur Mashal Singh**: Will the Government be pleased to reconsider and amend the said clause in view of the fact that the increase is excessive?

The Hon'ble Mr. S. P. O'Donnell: The question is being examined.

TAKING *tazias* OVER THE BRIDGE OF PANGAYLI RIVER, BAREILLY.

* **107. Maulvi Zahur-ud-din**: Is it a fact that the *taziadars* of Nawabganj town, district Bareilly, and its neighbourhood are prohibited from taking out *tazias* over the bridge of Pangayli river? If so, why?

The Hon'ble Mr. S. P. O'Donnell: Yes, under an arrangement, which started in 1850, has been enforced ever since, and has been accepted by everyone at Nawabganj.

BRIDGES OVER CANALS IN THE BAHERI AND NAWABGANJ TAHSILS, BAREILLY.

* **108. Maulvi Zahur-ud-din**: Is it a fact that the Sarda Canal or its branch has been constructed through the Baheri and Nawabganj tahsils of Bareilly district crossing many thoroughfares?

The Hon'ble Mr. S. P. O'Donnell: Yes.

* **109. Maulvi Zahur-ud-din**: Is it a fact that at many places *pulias* (bridges) over the canal are not constructed just opposite each thoroughfare but away from them one for each two or more thoroughfares?

The Hon'ble Mr. S. P. O'Donnell : The usual practice has been followed of allowing an average of one bridge per mile on these small channels. All village roads of any importance have been provided with bridges over the canals.

COUNCIL OF STATE ELECTORAL RULES.

* 110. **Dr. Ganesh Prasad :** Has any reply been received to Government's reference to the Government of India with regard to the amendment of clause (f) of paragraph 3 of schedule II of the Council of State Electoral Rules, so as to qualify the members of the Court of the Allahabad University as electors of the Council of State constituencies in the United Provinces?

If so, with what result?

If no reply has been received, has the attention of the Government of India been drawn to the urgency of the matter by way of a reminder? If so, with what result?

The Hon'ble Mr. S. P. O'Donnell : It is understood that the question is still under the consideration of the Government of India. Two representations which have been received on the subject asking for an early decision in the matter were forwarded to the Government of India.

* 111. **Dr. Ganesh Prasad :** Who is the authority appointed by the Governor General in Council under rule 9, sub-rule (6) of the Council of State Electoral Rules to whom applications may be made for the amendment of the electoral rolls and who may be requested to prepare amendments to those electoral rolls so as to include the members of the Court of the Allahabad University? If such an officer has not been appointed, has the Government taken steps to get such an officer appointed? If so, with what result?

The Hon'ble Mr. S. P. O'Donnell : The honourable member is referred to Legislative department notification No. 634/XVII—100, dated the 1st August, 1924, appointing District Officers to perform all the duties of a revising authority under regulation 1(3) of the regulations for the election to the Council of State of members for the United Provinces constituencies. Such revising authorities would, however, have no power to include the members of the court on the electoral roll, as such members are not eligible under clause (f) of paragraph 3 of Schedule II of the Council of State Electoral Rules.

GOVERNMENT TECHNICAL SCHOOL AT GORAKHPUR.

* 112. **Khan Bahadur Mr. Muhammad Ismail :** Is it a fact that the Government intends closing the workshop attached to the Government Technical School at Gorakhpur? If so, what are the reasons for it?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : Government has at present no such intention.

TECHNICAL SCHOOL, LUCKNOW.

* 113. **Khan Bahadur Mr. Muhammad Ismail :** Is it a fact that the Government intends raising the status of the Lucknow Technical School to that of a college and to meet the extra expenses it is proposed to close the workshop attached to the Technical School at Gorakhpur?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id. Khan: Government intends to found an Engineering College at Lucknow when funds permit. The answer to the second part of the question will be found in the answer to Question No. 112.

VICTOR MOHAN JOSHI OF ALMORA.

* 114. **Thakur Manjit Singh Rathor:** Is it a fact that Mr. Victor Mohan Joshi of Almora, now a prisoner in the Bareilly jail, has lost 16 lbs. in weight during his incarceration?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: No. Government are informed that he has not lost weight.

Thakur Manjit Singh Rathor: Does the Hon'ble the Home Member believe that the information supplied to him is correct?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Yes.

Thakur Manjit Singh Rathor: Will he kindly make inquiries from the non-official visitor of the Bareilly jail because I am informed that Mr. Victor Mohan Joshi has lost 16 lbs. in weight and my information is more or less reliable?

(No reply.)

* 115. **Thakur Manjit Singh Rathor:** What is the report of the medical officer of the jail in question as to the causes of his loss in weight?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: Does not arise.

* 116. **Thakur Manjit Singh Rathor:** Is Mr. Joshi treated as a non-political prisoner and given hard labour?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan: He has been placed in the special division and is not being employed in any kind of labour.

* 126. **Babu Mohan Lal Saksena:** Has the Government issued any circular regarding complaints by Government servants to members of Council after the passing of Pandit Brijnandan Prasad's resolution on the subject?

If so, will the Government be pleased to lay on the table a copy of the same for the information of the Council?

The Hon'ble Mr. S. P. O'Donnell: The honourable member is referred to the answer given to starred Question No. 26, on the 11th September, 1924.

Starred Question No. 26 and answer given to it on the 11th September, 1924, referred to in the answer to starred Question No. 126, for the 20th December, 1924.

* 23. **Pandit Govind Ballabh Pant:** (a) Has the Government issued any circular letter in the light of Pandit Brijnandan Prasad Misra's resolution recommending withdrawal of orders prohibiting Government servants from bringing their grievances to the notice of the non-official members of the Council?

(b) If so, will the Government be pleased to lay a copy on the table?

The Hon'ble Mr. S. P. O'Donnell : (a) The answer is in the negative. As explained during the debate on the resolution referred to, there are no orders which prohibit Government servants from bringing grievances to the notice of non-official members of Council, provided that no breach of the Official Secrets Act is involved thereby.

(b) Does not arise.

UNSTARRED QUESTIONS.

NON-OFFICIAL CHAIRMAN AT AMROHA.

1. **Dr. Shafa'at Ahmad Khan :** Is it a fact that the Amroha municipal board by a resolution on 14th April, 1923, resolved to have a non-official chairman?

Is it a fact that the Commissioner of Rohilkhand overruled it?

If so, will the Government be pleased to state the reason why the decision of the board was overruled?

Mr. G. B. F. Muir : Yes.

No.

Does not arise.

2. **Dr. Shafa'at Ahmad Khan :** Is it a fact that the municipal board, Amroha, passed a resolution on 22nd August, 1924, by twelve votes to one, requesting the Government to allow it to elect its own chairman?

If so, will the Government be pleased to state if it is going to carry out the wishes of the board and allow it to elect its own chairman?

If the Government is not prepared to allow the board to elect its chairman, will it be pleased to state its reasons?

Mr. G. B. F. Muir : The answer to the first part of the question is in the affirmative. The resolution was in effect part of a compromise including other conditions by which one of the parties in Amroha is no longer willing to abide with the result that the opposing party is now against an elected chairman. There is still sharp tension and for the present the Government hold it wiser to retain the official chairman for some time longer.

QUESTION *re* PROROGATION OF THE COUNCIL.

Babu Sangam Lal : May I just bring one point to the notice of the Hon'ble the President? It is provided in the Government of India Act that the first President will be appointed for four years and after that the Council will elect a non-official as its President, but if at the expiration of such period of four years the Council is in session, the President then in office shall continue in office until the session is over. Now, four years will be over in a fortnight and if the present Council is not prorogued within a fortnight, will it not be an encroachment on one of the most valuable privileges of this House?

The Hon'ble the President : It is not for me to say anything about this legal aspect of it. The matter should be put to the Government. It is not a point of order.

SUPPLEMENTARY ESTIMATES.

Demand No. 1.

HEAD NO. 5—LAND REVENUE.

The Hon'ble Mr. S. P. O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under the head "Land Revenue" a sum of Rs. 1,28,700 be provided and to move that this sum be voted.

The demand was put and voted.

Demand No. 2.

HEAD NO. 8—FORESTS.

The Hon'ble Mr. S. P. O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under the head "Forests" a sum of Rs. 1,32,000 be provided and to move that this sum be voted.

Lala Mathura Prasad Mehrotra: I beg to move that the demand under "Forests" be reduced by Rs. 10.

My object in bringing forward this motion is to draw the attention of the department to one or two points.

The first point is, that when the item was brought into the budget this matter was hotly discussed and after a great deal of discussion a reduction of one lakh was made. Practically the whole year has passed and at the end of the year the department has come forward with a further demand not only of one lakh but one lakh and thirty-two thousand. I am sure I do not divulge the secrets of the Finance Committee in saying that when the matter came before us, we passed it over and left it for the mover.

The Hon'ble the President: The honourable member is disclosing them while he says he is not doing so.

Lala Mathura Prasad Mehrotra: We passed it over without discussion and left it for the mover and the members of the advisory board to discuss it in the open Council. If such is the case, then there is no use in making any reduction, for on the one hand we make a reduction and on the other hand the same is again brought forward through supplementary estimates.

The second point is this: is the Chief Conservator of Forests quite sure that if this amount is granted by the Council there would be a net saving of Rs. 47,000 as is said in the explanatory memorandum? If he can guarantee that, we shall have no objection in passing this item. This is a point on which I want some information from this department.

The Hon'ble the President: There are two other motions on the paper under this head. Will the honourable members (Pandit Har Govind Pant and Mr. Mukandi Lal) speak to the present amendment or wait till the motion as a whole is proposed?

Pandit Har Govind Pant: The Council is aware that at the time of the last budget by way of recording our disapproval of the forest policy in Kumaon the Council made a reduction of one lakh of rupees in the total demand. After some time part of the deduction in the forest demand was

restored under a certificate from His Excellency the Governor. To add insult to injury the Government has now come forward with a supplementary demand in excess of the amount that the Council had reduced. We might very well say that Kumaun asked for bread and we have been offered stones instead. What I have to submit is, that the present supplementary demand is both unfair and unsound. It is unfair, inasmuch as the contention of the people of Kumaun is that the forest belongs to the people, as they are mostly part of the village areas and are included within the boundaries of the villages—locally called the *assi sal* boundaries. It is unsound, inasmuch as we have been finding for a number of years that Kumaun has been showing appreciable deficits year by year—I mean the Kumaun circle. When the experiment was being tried in its earlier stages there was some excuse for saying that at some future time it might prove a success. But my submission is that the experiment has been tried too long and there is, at least to my mind, no hope of converting these deficits into a surplus. The only produce which can reasonably be expected to give us any income from the forests in Kumaun is the timber export and the resin export. If instead of working both these products in the way in which they are being worked at present, the rights of the people are recognized, their property is restored to them, and they are left to work both these products themselves, and if necessary some sort of reasonable royalty is levied on these products, I hope both the Government and the villagers can derive some income from the enterprise. Their agricultural income can be supplemented by a supplementary cottage industry, and the Government can be saved much of the trouble and these deficits can be eliminated. The difficulty of transport itself is so unmountable that whatever promises of surpluses Government may give us there is no hope of having any real surplus in the near future. What I contend for is this, that instead of antagonizing the people, if they are allowed to work out these forests themselves and are assured that the forests are their own property, as in fact they are, and they are given to understand that they can make an income from these forests, and if any income that is derived by Government from the royalty I am suggesting is used for the purposes of the district boards' work, I think the promise of the Government that the income from the forests in Kumaun is meant for the Kumaunis will have been fulfilled and at the same time an element of conflict between the people and the Government will have been eliminated and these large deficits too will have been avoided. In the progress report for the year 1923-24, we have been told that there has been large economy in the expenses of the working of the Kumaun circle. It is said that the expenses or rather the deficits have been reduced by at least half. I fear that is only a jugglery with figures. We have to inquire from the Government benches what reductions they have really made in the staff of the department. No doubt some of the higher officials have been shown on the lists of other circles and removed from that of Kumaun, but as a matter of fact the Forest department as a whole has not been able to effect any reduction in these posts. What the department has done is that a number of posts of forest guards have been recommended to be abolished by the Government. Such economies cannot in any way reduce or affect the expenses or deficits. What I have not been able to understand and the point to which I would respectfully beg to invite the attention of the Council is the scandal about

[Pandit Har Govind Pant.]

the Indian Turpentine and Resin Company. The Government has transferred the concern, which was according to their own books valued at Rs. 8,12,035 for a valuation of only 6 lakhs, and that too at a time when according to their own figures they were making a substantial income from that concern. That is, within four years they had, according to their figures, made about 2 lakhs. When the Government is so very unbusinesslike to say the least of it, it cannot expect this Council to revise its opinion at the fag end of the year. Under these circumstances I beg to oppose this demand.

Mr. Mukandi Lal : The Hon'ble the Finance Member has once again introduced us to the Forests of Kumaun and I heartily welcome this opportunity. I welcome this opportunity for this reason, that at least the Government has recognized the constitutional right of this Council, and instead of taking shelter under the power of certification has come out to us again to make a demand for Rs. 1,32,000.

Sir, as we have been reminded, this demand is practically for the same figure which nine months and two days ago, i.e., on the 18th March, this Council refused to give to Government. Sir, we have again been faced with this demand, and before I come to analyze whether Government is justified in making this demand upon us I cannot help making a few preliminary remarks.

The exploitation of the Kumaun forests, according to the then Lieutenant-Governor Sir John Hewett, was undertaken for the benefit of the people of Kumaun. Sir John Hewett in 1908 said:—"The Government has no desire to make money out of the forests and intend to spend on them for the benefit of the people of Kumaun the amount by which the receipts exceed the expenses." Sir, we are reminded now and again that the wealth of Kumaun lies in the forests of Kumaun. Not only that, Sir, but even the people in the plains of these provinces are reminded that their very security depends on the forests of Kumaun, that is to say, even the floods are alleged to have originated in the forests of Kumaun by disafforestation. Not only that. On the 18th March last the Chief Conservator of Forests was bold enough to say that so recently as in the times of the Nawabs one could shoot a tiger within seven miles of Lucknow. And we are being told that if we do not care for the forests of Kumaun there is likely to be another great flood. This, Sir, I am not prepared to accept. If you say that the last flood was due to the disafforestation of Kumaun that is beyond my imagination to believe it. I was surprised to see that even my learned friend sitting to my left Mr. Hidayat Husain was so easily misled and he also believed that the last flood was due to disafforestation. Disafforestation has been going on for ages, and yet we had had no flood like the flood of last September. You may have forests, you may depopulate the whole of Kumaun and raise forests there, but if there is another torrential rain like that of last September—36 inches in three days—there is bound to be flood, afforestation or deforestation. These, I say, are only bugbears that are held up before the members of Council. So far as we are concerned, we are prepared today to leave the hills of Kumaun bag and baggage and settle down in the plains if the Government or any member of the Council is prepared to exchange places with us. Now, I come to the question which directly concerns this demand. What is this demand for? It is for the working of the Kumaun forests,

that is to say, to supply to a company resin and to carry out a certain contract which the Government thoughtlessly entered into without the permission of this Council, without the knowledge of this Council. Now, Sir, when a question was asked by my honourable friend Mr. Ashiq Husain Mirza, viz.,—"Will Government be pleased to state what were the reasons for the establishment of the Utilization Circle, Bareilly?"—the answer given by the Hon'ble the Home Member on behalf of Government was; "The necessity for promoting the utilization of the forests and the development of forest industries." The question was then asked:—"How far are these reasons operative?" The answer was: "These reasons are still operative." And all of a sudden in 1923-24 those reasons have disappeared. Then, Sir, it was asked: "How much money was expended on the Kumaun circle, since the establishment of the factories at Bareilly and how much was this capital expenditure?" The answer was: "In round figures Rs. 103.91 lakhs was spent on this circle."

This circle has, according to the Economy Committee report, swallowed one and half crores of the revenue of these provinces. The report says that in the past four years more than one and a half crores have been spent on the Utilization circle. We want to know whether the Government was justified in undertaking this commercial undertaking—this Kumaun circle adventure. If it was, the next question that suggests itself is: "How has this money been spent and swallowed so quickly and so suddenly?" It was pointed out by the honourable member who represents the Kumaun and Pilibhit Muslim constituency in the Council meeting of the last September that there was a white elephant at Clutterbuckganj next door to him. I submit that there was not one white elephant but there are fourteen white elephants imported from abroad by the Government. What did they do? The salary that was paid to them was Rs. 28,78,039. During what duration? Some of them stayed for two years, others one year, and so on. There was one gentleman who remained in this country for one month and twenty-seven days. His salary was Rs. 1,000 a month. His home-going expenditure was given as Rs. 3,169 and his expenditure for coming out to India was not given; but I dare say that could not have been less than Rs. 3,000. It may have cost him as much to come here as it cost him to go home. What work have they done?

According to the figures that were supplied on the 17th of this month it was pointed out that the Government was able to run both these factories,—the Bobbin factory and the Turpentine factory at Clutterbuckganj—the value of the stock of the Bobbin Factory cost the Government Rs. 13,64,861 and that of the Turpentine factory Rs. 8,12,335. That is to say the total amount that we the tax-payers of these provinces have to dole out to Government to indulge in this most extraordinary extravagance was Rs. 21,77,196. And what is the value that the Government has received from these companies in cash? Rs. 2,345 in cash and the rest is in the shape of shares. And for how much face value of shares has this been sold? The two companies have been sold by the Government and the loss that they have sustained according to their own estimates is Rs. 11,27,197 in the two companies. Whatever they have got is in the shape of shares of nominal value Rs. 12,00,000. Sir, I submit that a scandalous bargaining like this if it had happened in any other parliamentary and responsible country would have brought

[Mr. Mukandi Lal.]

down the downfall of the cabinet and would have involved the impeachment of the persons concerned in such bargain. What is the result? The result is that these concerns have been sold to a syndicate or company whose terms, I would like to remind this House, are these—

“The authorized capital of this company, of the face value of 12 lakhs is divided into sixty thousand ordinary A shares and ten thousand ordinary B shares, of which it is proposed to have fifty thousand ordinary B shares payable at one rupee per share on application and one rupee per share on allotment and a further three rupees within six months preceding the allotment and the balance of five to be called hereafter as and when it is required. Ten thousand ordinary B shares will be allotted at par to the managing agents—I need not name them—and the whole of the sixty thousand A shares will be allotted as fully paid to the Government of the United Provinces of Agra and Oudh.”

What I want to remind the Government is that according to the terms of the prospectus, the Government holds practically half the shares. What hand has the Government in the managing directorate? There is no Managing Agent of the Government. The two Managing Agents are the promoters of the Company. What is the place of the Government in the directorate? There is only one representative of the Government in the directorate, and I identify this Council with the Government, though Government in this case has indulged into a sort of gambling or speculation. Though the Government is a shareholder to the extent of half the shares of the Company, yet it has only one representative in the directorate. That is one aspect of it.

Now I turn to the other aspect, that we are reminded over and over again that the wealth of Kumaun rests in the forests of Kumaun. The Government has been pleased to make a condition with the syndicate and that is given on page 5 of the prospectus and in accordance with the agreement the people of Kumaun will have a preferential claim to the allotment of shares. In this connection, Sir, I submit that this preferential claim of the people of Kumaun is not enough to safeguard their interests. Firstly, if the Government were prepared to hand over the Turpentine and Bobbin factories on the conditions on which they have given to this Company, then they should have told the people of Kumaun or their representatives that they were offering such easy terms and have asked whether they were willing to accept them. One factory which has cost more than eight lakhs has been handed over for rupees two thousand odd have asked cash and some shares. We should have been glad to take over this company on the same terms on which it was given to the syndicate with which the Government entered into a contract behind the back of this Council, on those easy terms. If the Government wanted to safeguard the interests of the people of Kumaun, it should have expressly and definitely told the managing directors and agents that half of the shares should be earmarked for and sold to the people of Kumaun whose interests are involved; and that nobody else should have claim to take those shares. There should also have been one seat for the people of Kumaun and two seats for the promoters of the company in the managing directorate. This would have been a reasonable stipulation and we would not have any objection to it. Even if this was not possible, half of the shares should at least, have been earmarked for the people of

Kumaun and not sold to other people. I have no fault to find with the promoters of the company in this connection, because everyone wants to take the best advantage of his position, and if I had been in their place I would have probably done the same thing. They have, however, given us no opportunity and the prospectus is out. The last date for inviting applications will be the 10th of January. I understand that though the prospectus has been published in the provincial papers it has not yet been published in the papers of Kumaun. When I ask Government any question it takes several months to get information regarding it and to give an answer. Then how is it possible that the people of Kumaun would arrange to get shares in so short a time? Kumaun is a very far and out-of-the-way country and the people there are not acquainted with the principles of business on which companies are run, so that it is not possible for them to avail themselves of this fleeting opportunity within the period fixed. I cannot, therefore, give any credit to the promoters of the company on this account. They may as well say :—"We have given preference to the people of Kumaun, we have advertised the fact, and if they do not apply for shares before the 10th of January, it is not our fault." But, as I have said above, this is an impossible offer and I press my demand on the Government that they should have a hand in the affair and have the period extended to two months beyond the present limit. If they do so, they can then say :—"We have given a chance to the people of Kumaun to come forward; here is the opportunity for them, 50,000 shares have been earmarked for them." I am perfectly sure the people of Kumaun would have come forward if they had been given an opportunity. Sir, that is the first aspect of the question. The other aspect of the question, is that the Government has taken a wrong step by entering into a contract with a private firm and in accepting the terms of the managing agents blindly. The terms are that the managing agents will receive Rs. 2,000 pay and 10 per cent. of the profits—not on net profits but on gross profits. Now I ask the Government whether they expect 100 per cent. profits? My friend Mr. Ashiq Husain Mirza asked a question on the 17th December (Question No. 71) :—"Is it a fact that the managing agent under an agreement with the Government is to receive Rs. 2,000 per month from each of these two companies and a commission of 10 per cent. in addition from both companies' gross profits? If not, will the Government be pleased to give exact figures, and state what work is to be performed by the managing agent for this remuneration?" The answer which the Government was pleased to give was :—"The managing agent of each of the companies is to receive annually 10 per cent. of the profits after deducting interest on debentures or other loans, but before placing anything to depreciation, reserve or other special account and before making any provision for income-tax, super-tax or other like impositions, each managing agent is to receive an office allowance of Rs. 2,000 per mensem." Now, if the Government believes that this company could make a profit of 100 per cent., how is it that the Government has been running it at a loss? The Government spent about 1½ crores from the provincial revenues, and, if they thought that the business was so profitable, why did they sell the factories to a private syndicate? To me it appears that the Government does not know its own mind and has made a muddle of the whole affair. They have spent about 30 lakhs over the factories and now they are paying such high salaries.

[Mr. Mukandi Lal.]

But one of their own men whom they sent abroad to learn the business of tar and turpentine, and on whom they spent £450, has not been provided for by them. Firstly, the Government was bold enough to spend £450 of public revenue and, secondly, the life of that man is now ruined. Government could have at least made a stipulation with this company that he should be employed by them, because he was given an understanding that after his return he would be employed in the Turpentine Company. This also has not been done.

As the Government has shown its incapacity to run a business concern, it is not justified to come forward and say:—"If you give us this Rs. 1,32,000 we will show you a saving of Rs. 47,000. I say that it is another speculation and it is quite possible that good money may be thrown away after bad. The statement that has been laid before us today is not very clear. It says:—"In voting the grant for Forests the Council made a reduction of Rs. 1,00,000 under 'Kumaun circle,' as it was thought at the time that this reduction would convert the anticipated loss of Rs. 55,000 shown in the original estimates into a surplus of Rs. 45,000?" The amount passed for Kumaun circle was thus Rs. 8,82,000. Now if the expenditure on Kumaun is restricted to this figure in the current year, the revenue is expected to amount to no more than Rs. 8,22,000, so that instead of a surplus resulting there will be a loss of Rs. 60,000. In other words, the Government now want to transfer Rs. 1,32,000 from one head to another to cover this loss of Rs. 60,000. The Government may have entered into some contract and it is possible that if they do not carry out this contract they may have to pay some penalty. The Government entered into this contract without the sanction or opinion of the House and now that they have made a muddle they want us to provide money. They have already squandered 30 lakhs of the tax-payers' money. For these reasons I propose that the entire demand be omitted.

The Hon ble Mr. S. P. O'Donnell: Babu Mathura Prasad Mehrotra has asked why we have come to the Council at rather a late date with this demand for a supplementary provision. The reason for that is simply that it was impossible for us to know before the year had advanced to how much money we should require. I have not here the report of the debate of last year on this subject, but I think we made it clear then that this reduction could not be made, and that we should have in all probability to come to the Council again with a request for further provision. He has also asked me for an assurance that there will be a surplus if this money is voted. I have consulted the Chief Conservator, and I am in a position to tell the honourable member that there will be a surplus, whilst if this money is not voted, we shall in addition lose a large sum of money.

Pandit Har Govind Pant has referred to the general question of the policy which is being followed in the management of these forests. I do not propose to go into that matter at any length today, as at the present moment we are not really concerned with the question whether the existing policy is right or not. It does not affect the issue that is at present before us. The year has already far advanced, and no far-reaching changes could be carried out before its close.

I observe however that the honourable member repeated today the statement which he made during the debate on the budget, namely, that the forests are the legal property of the people, that is to say that all the land inside what is known as the *san assi* boundaries is the property of the people. If the honourable member had referred to the earliest settlement reports—those of Mr. Traill and Mr. Batten—he would have seen that there is no foundation for that statement. The *san assi* boundaries are merely boundaries fixed to determine the local rights of the villagers. The villagers have extensive rights of user in the waste-land, and these boundaries were fixed for the purpose of determining these rights. They were never the owners of any land outside the measured land either under pre-British rule or under British rule.

The same honourable member also suggested that the forests should be handed over, lock, stock, and barrel to the people for management. Well; it is hardly possible to take seriously a suggestion of that kind, but I may say that the question whether certain areas at any rate could not be made over to village management has been under consideration for a considerable time, and that experimental rules were issued this very year. However, the general question of policy does not arise at the present stage, because it is quite impossible to alter the whole policy during the course of the next three months.

Now, I come to the question of the company. To begin with, I should like to remind honourable members that the Government were pressed again and again by the Council to get rid of these factories. Repeatedly it was urged upon us that they should be made over to private enterprise, and yet we are now attacked for doing the very thing that we were asked to do. We have never denied that heavy losses have been incurred. We have always admitted that there were mis-calculations, and partly for that reason and partly on general grounds we were pressed to make these enterprises over to private management, and that is exactly what we have done. We held a conference to which everyone who was interested in the matter was invited to discuss the whole problem. After that we called for tenders. It was open to anyone to put in a tender. Mr. Mukandi Lal says that the people of Kumaun were willing to take over the company. I do not understand what he means by the term "people of Kumaun." Does he mean the 800,000 or so people living in Kumaun, or any particular group of people? What particular section of the population of Kumaun would have been delighted to take over the management of the company? When tenders were called for, why did they not come forward and offer? No tenders were received from the Kumaun people and accordingly we did what is ordinarily done in such cases. We accepted the best tender that we got. It is quite impossible for me to go into the details of this transaction at the moment. I am, however, prepared to do so with any honourable member outside the Council Chamber, because it is far easier to discuss such details over the table than it is in the Council in the course of a speech.

Mr. Mukandi Lal: May I ask the Hon'ble the Finance Member if any representatives of Kumaun or any men of status from Kumaun were invited to the conference?

The Hon'ble Mr. S. P. O'Donnell: I have already said that everyone who was interested in the question was invited. As I have just said,

[The Hon'ble S. P. O'Donnell.]

we called for tenders and we took the best offered, and I believe we made not a bad bargain, but a good bargain. It is quite true that profits were made in the turpentine company under Government management: but all the same the company was run on conservative and unenterprising lines. It was not run in the manner in which a private firm would run it. In the present company, as the Council is aware, Government is the largest share-holder. It holds half the shares, besides debentures, and will thus benefit largely, if the operations of the company are successful. And these operations are likely to be more profitable than those of the Government were because the company will be run on commercial lines. For example, the company is endeavouring to open up an export trade; that is a kind of business which we never attempted and never could have run.

Mr. Mukandi Lal has asked why shares were not reserved for the people of Kumaun. Apparently his suggestion is that it is not sufficient to give them a preference, but that the shares should be reserved for them and that they should be allotted only to the people of Kumaun. And what is to happen if they do not take the shares? The honourable member can have had no experience of business, or else he would have realized that one could not float a company on these terms. When you float a company, you first publish a prospectus and then invite people to apply for shares. Now, if you reserve half the shares for certain people and if they do not take them eventually, what is to be done? Are they to be left unallotted? Imagine putting a proposition of that kind before an audience of business men. The people of Kumaun were given a preference, and if they did not take advantage of it, whose fault is that? I am informed that, although the prospectus was quite ready to be issued on the 1st of November, it was not issued till the 1st of December because some persons belonging to Kumaun so requested. The date for the application for shares has also been extended at the request of the same people.

And now I wish to explain to the Council what the position is as regards this supplementary estimate. The figures given in the statement before the honourable members are not correct. They under-estimate the loss. I have gone through the figures again myself with the Financial Secretary and with the Chief Conservator and this is how they work out. If this money is not provided, the only way in which we can meet the deficit is by cutting down expenditure on resin. We have done what we could in other directions. We have made extensive economies. We have this year reduced about Rs. 21,000 under establishment; we had made other reductions last year, and I am glad to say we shall make still further economies next year; we have also made economies under buildings, roads; and in various other directions. Therefore practically the whole of this sum of Rs. 1,32,000 would have to be provided by savings under resin. And how does that work out? It works out in this way. We shall refrain from delivering 48,500 maunds of resin. We shall not be able to deliver and by not doing so we shall lose Rs. 3,39,500. That is the price which the company is prepared to pay for the resin. They will not of course pay us if we do not deliver the resin. The net loss, therefore, after deducting the amount of the supplementary estimates, will be about Rs. 2,15,000. In addition to that, under the contract if we do not deliver the resin we

shall have to pay a penalty of Rs. 47,000, bringing the loss up to Rs. 2,62,000. Thirdly, we shall be unable to make arrangements for the crop for next year. We shall lose accordingly at least another Rs. 40,000, making in all three lakhs of rupees. That is the position. If the demand is not granted we shall lose about three lakhs. Can it be the wish of any member that we should sustain such a loss?

Pandit Govind Ballabh Pant: I am sorry to intervene in this debate, but I will make only a few observations as to the way the decision of this Council in respect of the original demand has been treated by the Government. The original motion of Mr. Mirza at the time of the last budget debate was for the reduction of about 3 lakhs from the amount provided for the Kumaon circle. This sum of Rs. 3,08,000 approximately was provided there under the head of establishment and at that time he wanted practically the entire sum to be omitted. It was subsequently cut down from 3 lakhs to 1 lakh, and that reduction was voted by the Council. Now, it is my grievance that the Government instead of making any reduction under head "Establishment" made reductions under the head "Conservancy." It was not fair. The reduction did not relate to conservancy and works. It related to establishment and the whole object when the demand was put to the vote was to get the establishment reduced. If any one will look at the figures he will find that there is sufficient scope for economy in the Kumaon circle. The votable expenditure under the head salaries or establishment comes to more than 3 lakhs. There is no income, rather a deficit of about Rs. 60,000. The total outturn is about half or less than that in the Western or the Eastern circle. The expenditure that is incurred in the Eastern circle under head salaries comes to about 4 lakhs and thereby an income of about 25 lakhs is earned, the net income being about 16 lakhs. Similar is the case with the Western circle. Besides that, in accordance with the recommendations of the Forest Grievances Committee, as was shown in the course of an answer given by the Government the area of reserved forest has been practically reduced by more than half, still the expenditure of the establishment continues practically as it was before. The figures under establishment for 1924-25 were almost the same as they were in 1923-24. Now I submit that when the area of the forests has been reduced considerably and when, in accordance with the recommendations of the Forest Grievances Committee, which were accepted by the Government, forest officers, patrols, rangers, etc., were to be withdrawn from the larger portion of the area which was formerly controlled by the Forest department, there should not have been the least difficulty in reducing the expenditure under head establishment by one lakh. This is what the Government ought to have done. As to the next question relating to the Turpentine and Resin factory, I have to submit a few words only. I am at a certain disadvantage, as I had a conversation as well as some correspondence with Mr. Srivastava, who is one of the managing agents, but I hope I will not make use of the information that I received from him. The fact obviously is that the Government has not treated the matter as seriously as it deserved to be. I am putting it, I think, as mildly as anyone can. It is wrong to say that this factory was ever run at a loss. According to the figures and the statements of returns provided by the Forest department, the net income for a series of years prior to the year in which this company

[Pandit Govind Ballabh Pant.]

was transferred was about Rs. 1,80,000. This income was from the resin factory; it has nothing to do with the bobbin factory. The factory itself had lands and buildings worth more than 9 lakhs according to the report of the Forest department. There were stocks of considerable value: I cannot tell you the exact figures. But the Government nevertheless transferred the factory to a syndicate. That syndicate consisted of two or three persons only and under the terms of the agreement, by virtue of which the transfer was made the Government was to have half of the share capital, and the other half was to be distributed between the managing agents and the public. The other provision was that while the Government was giving to the company all that it had it was not to receive anything in cash. The Government was to get only the profits of its share. The company was to get everything it had, including the stocks. This procedure was very queer. Though the Government had half the capital and the debentures worth 3 lakhs, yet the Government had the right to nominate only one director out of seven. The other six were to be the representatives of the company. Again, the shares held by the Government are to be held only at the rate of one vote for one share, while the shares that are to be given to the public are to be held at the rate of five votes per share. Besides the managing agents were only two, and, as I have said, they had not got any vested interest in this concern. They are to be represented by one director. The syndicate which consisted practically of the managing agents only were to be represented by another director; the director representing the managing agents is to be the president of the board of directors. They are practically in every way free to deal with this matter as they like. Well, this is a deal which one cannot understand at all. A company yielding a profit of about two lakhs is transferred for a nominal value of six lakhs only, and out of those six lakhs the Government does not get anything, except three lakhs in the form of shares in that company, and three in the form of debentures which are to be discharged in ten or twenty years. The managing agents who are getting the entire estate are not required to pay a single shell for it and they are to control the whole of the business, firstly as managing agents and secondly as having the right to be represented by two or three directors. That, I submit, is not fair to the province. I cannot say what part Kumaun will take in it or whether it will be able to take many shares. I understand that some people have already applied; perhaps others may come forward; but I can say this, that it is not reasonable under the circumstances to expect a very hearty response, for the people have absolutely no voice in the actual management, which is the vital and the essential part of the business.

Then in the directorate according to the agreement the managing agents will have a preponderating voice right through.

As to the resin, it is admitted that the whole of it will have to be supplied by Kumaun. So far as I know, we had no notice of this syndicate at the time it was formed or when the proposal was made. I cannot say that the fact that I did not know it proves that the Government did not publish it. But any way the fact remains there that men like me who usually read the papers were not aware of it. So to expect an ordinary villager or persons who are connected with this

resin industry in the interior to know all about it is to expect too much. The matter was not known in those parts at all, and I think it would have been proper, it would have been politic, in any way it would have been helpful to the cause the Government itself should have at heart if it had taken pretty good care to enlist the sympathies and even the direct interest of the population of the parts connected with this industry at the time they settled this transaction. I think the whole affair has been organized in such a manner that every man who cares for honesty in commercial and business matters can have a reasonable grievance. Now we are told that if the supply is not forthcoming, then there will be a loss and the Government will be put to enormous expenditure. I submit that it is open to the Government, if the case be like that, to make economies under establishment and if even that does not suffice, then I submit the Government should pay for lack of wisdom on its part in having undertaken liabilities without any corresponding advantages, inasmuch as it transferred the concern, binding its own hands, exposing itself to all sorts of risks and not in any way safeguarding its own interests.

I do not touch the question of the forest policy nor of the relative rights of the people and the State within the forest boundaries, in spite of the tempting remarks made by the Hon'ble the Finance Member, though he began with the introduction that he would not touch the general forest policy.

Rai Bahadur Lala Sita Ram : The matter has been debated at length and I will only say just a few words. The Hon'ble the Finance Member made a grievance of the fact that this Council has been persistently asking the Government to dispose of this factory because it was a losing concern and now that the Government acts up to the Council's advice the Council comes forward and makes it a grievance and picks holes in the dealings of the Government. The House has a grievance of its own in this connection, and it is in regard to the manner in which this transaction has been entered into in a hole and scorner fashion. It justifies the House in bringing it as a sort of grievance that neither the Forest Board was consulted nor was the Finance Committee consulted nor was any section of the House consulted in this matter. It is for the first time today that the Hon'ble the Finance Member comes forward and tells us that the matter was debated in a conference; he does not tell us who were invited and where it was held. A conference may have been held, but I should like to know how many members of this House, at least how many of those in this House who have been bringing this matter to the notice of the Government time after time, were invited to that conference.

I shall not pursue the matter further, specially as one of the managing agents, Mr. Gavin Jones, is one of our colleagues and I daresay he will throw further light on the matter if he so chooses.

Another grievance in this connection is that Government in asking for a supplementary grant has made us lose ourselves in the forest of the Forest department. It is rather enigmatic, judging from the speech of the Hon'ble the Finance Member himself, that he makes out quite a different case from what has been presented to us in the note. Judging from the note itself I am mystified as to certain figures. Government say that after the expenditure of

[Rai Bahadur Lala Sita Ram.]

Rs. 8,82,000, they will have a revenue of Rs. 8,22,000. What they say is that if an additional expenditure of Rs. 1,32,000 is voted by the Council, they think that the estimated deficit of Rs. 60,000 will be converted into a surplus of Rs. 47,000: in other words, after an expenditure of Rs. 1,32,000 Government expects to get a revenue of Rs. 1,07,000. I do not know how far Government is justified in that optimistic estimate. If after an expenditure of Rs. 8,82,000, Government expects a revenue of Rs. 8,22,000 only, does it stand to reason that Government will get a revenue of Rs. 1,07,000 after an expenditure of Rs. 1,32,000? The second point is that I do not understand how Government arrived at the figure of Rs. 10,61,000. The revenue is Rs. 8,22,000 plus Rs. 60,000 the deficit plus Rs. 47,000 the surplus, so that it would come to Rs. 8,22,000 plus Rs. 1,07,000 that is, Rs. 9,29,000. I do not know how they arrive at the figure of Rs. 10,61,000. I hope the Hon'ble the Finance Member—I wanted to speak before he spoke—will throw some light on this. If we have his estimate at Rs. 10,61,000 deduct from it the revenue of Rs. 8,22,000 you get a further revenue of Rs. 2,39,000. Does Government really expect a further revenue of Rs. 2,39,000 in the rest of the year, when they expected it to amount to Rs. 8,22,000 after a further expenditure of only Rs. 1,32,000? I do not understand it. I wish that the notes that are presented to us—laymen as we members of the Council are—should be in a more intelligible, more lucid form than the one in which are now put before us, at least in this matter.

Mr. Gavin Jones: I did not intend to enter into this debate, as I might be considered an interested party, but the honourable member who has just sat down referred to me by name, and I would just like to state a few facts. There has been a great deal said about this syndicate and the new companies that have been formed and they have concentrated on the turpentine factory. That factory was only part of the arrangement. The whole business in Clutterbuckganj, including the bobbin factory, was taken over by the syndicate. The turpentine factory is a comparatively easy proposition to promote, but the bobbin factory is much more difficult. Therefore it is hardly fair to concentrate criticisms only on the turpentine factory. There has been a great deal said about the fact that the two properties have been sold at a depreciated value. It must be borne in mind that these two factories were started at a time when machinery and buildings were very high in value, and naturally the new companies had to take over the plant and buildings at the market price or as near that value as possible. It has also been said that the managing agents are to get 10 per cent. on the gross profits. That is not a fact. The 10 per cent. is on net profits. The terms given to the managing agents are very ordinary terms, as anybody who has any knowledge of company promotion will realize. The managing agents are not a board of directors, they have to do the actual work of management and look after the business and therefore they have to be paid for it. I do not think I need say anything more about these companies, but the whole matter seems to me to be irrelevant. The point before the Council now is the voting of this demand of Rs. 1,32,000 for the collection of resin to be sold to the company and paid for at the end of March. As has been clearly pointed out by the Hon'ble the Finance Member, this money will be more than

recovered and a profit made on it. I am perfectly sure that, whatever opinion honourable members may have as regards the forests and their management, they have sufficient business acumen to realize that when they have received a good order for resin they will not be so foolish as to say they will not accept this order because they do not wish to pay for collecting the raw material and thereby throw away a handsome profit to the department.

Mr. E. A. H. Blunt: I rise principally to reply to my honourable friend the member for Meerut. The first point he touched upon, a point which has been mentioned by other members also, was this mysterious conference which was held. As I happened to be at the conference, I can give some information about it. The first point that I wish to make is that it was publicly advertised in the papers that a conference was going to be held. It was advertised two or three weeks beforehand, and anybody who was interested in the industry or in Kumaun was invited to come. As might be expected, the people who came were mainly people interested in the industry. To the best of my belief there were actually residents of Kumaun there, or at all events persons who, though not resident in Kumaun, were deeply interested in its development. The conference was held two years ago—22nd December, 1922, I think—I am afraid that I cannot remember the names of all the gentlemen who were present, as they were all strangers to me. When this conference was held, all the papers regarding the resin and bobbin factories were put before the members; as a matter of fact I believe that those who were known to be coming had received the papers before the conference. The Chief Conservator was there, the members of the Forest Board, or some of them at least, were present, and the whole question was thoroughly threshed out. Those present were asked if they would submit tenders. After some weeks tenders were received from various sources. So I hope honourable members now understand that there really was a conference, and so far as it was possible to make it so, it was a public conference. If anybody now wishes he had been there who was not there, it is his own fault and not the fault of Government.

Rai Bahadur Lala Sita Ram: Are the proceedings of that conference available?

Mr. E. A. H. Blunt: I believe so—they are in the Forest department. I cannot tell you more than that. I have seen them myself.

Pandit Nanak Chand: Was the conference advertised in the Gazette?

Mr. E. A. H. Blunt: I do not know that—I did not do the advertising—all I know is that it was advertised in the papers. Whether or not it was advertised in the Gazette I cannot say.

Babu Damodar Das: Was it mentioned in the Agenda?

Mr. E. A. H. Blunt: The advertisement related to the sale of the factories at Clutterbuckganj. I cannot say exactly how it was worded but I know that it made perfectly clear to everybody who read that advertisement what was going to happen.

The honourable member for Naini Tal referred to the establishment. He said we saved practically nothing in 1924-25. As a matter of fact the savings in that year will amount to about Rs. 21,000, as appears from comparing the figures of the original estimate and the revised

[Mr. E. A. H. Blunt.]

estimate. As the Hon'ble the Finance Member has already said, in 1923-24 there have been further savings to the extent of about Rs. 40,000, and—though I must not give away budget secrets—I think there will be a saving next year also. I did not quite catch what the trouble of the honourable member for Meerut was with regard to the figures.

Rai Bahadur Lala Sita Ram : I said that after an expenditure of Rs. 8,82,000 Government expects a revenue of Rs. 8,22,000. Would they get Rs. 1,07,000 after an expenditure of Rs. 1,32,000? My second point was how the figure of Rs. 10,61,000 was arrived at.

Mr. E. A. H. Blunt : I will take the second point first. The Rs. 10,61,000 is arrived at by adding the revenue expected from this extra expenditure to the original figure of Rs. 8,22,000. The honourable member is, I think, confusing surplus and revenue. The amount of revenue you get is not necessarily the surplus you get—I wish it was. I want to assure him that there is no deception—I am not a juggler.

Pandit Nanak Chand : Would Government obtain Rs. 2,39,000 by investment of Rs. 1,32,000?

Mr. E. A. H. Blunt : That is what it amounts to. The main point is that the resin is there ready in the jungle and on the roadside and we cannot move it. That is the whole point. The reason why we want this money is that the resin is there waiting to be carried away and until we get this money we cannot carry it away. If we do not get the money, we shall not be paid for the resin, which payment will amount to the sum already specified, and we shall therefore lose revenue to that extent.

The amendment was put and negatived.

The demand was then put and the Council divided as below :—

Ayes (52).

The Hon'ble Mr. S. P. O'Donnell.
The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur.
The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.
The Hon'ble Rai Rajeshwar Bali.
Mr. G. B. Lambert.
Mr. E. A. H. Blunt.
Kunwar Jagdish Prasad.
Mr. G. B. F. Muir.
Mr. A. C. Verrières.
Mr. C. E. D. Peters.
Mr. J. R. W. Bennett.
Mr. S. H. Fremantle.
Mr. R. Burn.
W. S. Cassels.

Chaudhri Badan Singh.
Lieut. Raja Durga Narayan Singh.
Babu Dip Narayan Roy.
Thakur Hanuman Singh.
Bhaya Hanumat Prasad Singh.
Kunwar Rajendra Singh.
Rai Bahadur Thakur Meshal Singh.
Mr. Muhammad Aslam Saifi.
Rao Abdul Hameed Khan.
Lieut. Nawab Jamshed Ali Khan.
Khan Bahadur Chaudhri Amir Hasan Khan.
Maulvi Obaid-ur-Rahman Khan.
Hafiz Hidayat Husain.
Mr. Masud-uz-Zaman.
Nawab Muhammad Yusuf.
Maulvi Abdul Hakim.
Dr. Shafa'at Ahmad Khan.
Saiyid Muhammad Ashiq Husain.
Khan Bahadur Maulvi Fasih-ud-din.
Khan Sahib Munshi Siddiq Ahmad.
Khan Bahadur Chaudhri Muhammad Rashid-ud-din Ashraf.
Shaikh Abdus Samad Ansari.
Lala Mathura Prasad Mehrotra.
Raja Shambhu Dayal.
Lieut. Shaikh Imtiaz Rasul Khan.
Mr. Tracy Gavin Jones.

z Rasul Khan.

m Nath Bhargava.

NOS (23).

Babu Sangam Lal.
 Babu Mohan Lal Saxena.
 Babu Damodar Das.
 Babu Bhagwati Sahai Badar.
 Thakur Manjit Singh Rathor.
 Thakur Shib Narayan Singh.
 Babu Nemi Saran.
 Ghaudhri Badan Singh.
 Thakur Sadho Singh.
 Pandit Brijnandan Prasad Misra.
 Pandit Bhagwat Narayan Bhargava.
 Pandit Jhauni Lal Pande.

Pandit Sri Krishna Dutt Paliwal.
 Babu Parsidh Narayan Anad.
 Pandit Yajna Narayan Upadhy.
 Pandit Govind Ballabh Pant.
 Pandit Hargovind Pant.
 Mr. Mukand Lal.
 Babu Ram Chandra Sinha.
 Babu Sita Ram.
 Babu Bindeshwari Prasad.
 Maulvi Zahur-ud-din.
 Qazi Habib Ashraf.

The demand was accordingly voted.

Demand No. 3.

XIII WORKS FOR WHICH CAPITAL ACCOUNTS ARE KEPT.

The Hon'ble Mr. S. P. O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under head—Works for which capital accounts are kept, a sum of Rs. 7,11,500 be provided, and I move that the sum be voted.

The demand was put and voted.

Demand No. 4.

HEAD NO. 22.—GENERAL ADMINISTRATION.

The Hon'ble Mr. S. P. O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under head—General Administration, a sum of Rs. 10 be provided, and I move that the sum be voted:

Lala Mathura Prasad Mehrotra: I beg to move that the demand under Court of Wards be reduced by Re. 1.

The object of bringing forward this motion is only to elicit information and to draw the attention of the Hon'ble Board of Revenue to one point and that is the revision of the Court of Wards Act.

Rai Bahadur Lala Sita Ram: Is that in order, Sir, on Supplementary Estimates?

The Hon'ble the President: That cannot be dealt with on this motion.

Lala Mathura Prasad Mehrotra: Then I withdraw my motion.

The motion was, by leave of the Council, withdrawn.

The demand was put and voted.

Demand No. 5.

HEAD NO. 25.—JAILS AND CONVICT SETTLEMENTS.

The Hon'ble Mr. S. P. O'Donnell: I beg to report to the Council the recommendation of His Excellency the Governor that under head—Jails and Convict Settlements a sum of Rs. 11,181 be provided, and I move that the sum be voted.

Dr. Ganesh Prasad: I beg to move: "that the demand under 'Scheme for transferring a number of Bhandtus from this province to the Andamans' be reduced by Re. 1."

Dr. Ganesh Prasad.]

My objection to this scheme is, that the Bhantus, though they are not Christians, are being sent to the Andamans under the supervision and charge of an officer of the Salvation Army. It can be no excuse on the part of the Government to say that in the benighted province of Madras a number of Muhammadans were sent to the Andamans in charge of a Salvation Army officer. A good deal of agitation has taken place here in these provinces, and generally in Northern India, during the last few months and the public conscience has been very much roused, and I do maintain that the public would not be satisfied with an arrangement under which it would be possible—I do not say it would be certain—for a Hindu or a Muhammadan to become a convert to Christianity. I have not got any very considerable experience of the activities of the Salvation Army in India, but I do believe that one of the chief incentives to these officers to act is to save the souls of those people who are under their charge, and salvation to them means rescuing the men from the religion which they do not consider to be a right religion. It seems to me that the Government will be well advised if they would transport these Bhantus to the Andamans in the charge of a Deputy Superintendent of Police or even a Superintendent of Police, either a Hindu or a Muhammadan. I know that there are some officers in the islands of Andamans and Nicobar who are residents of those provinces. About two years ago I myself came across a Musalman gentleman who was doing very well there. The Government cannot therefore say that they could not get a trusted officer, either a Hindu or a Muhammadan, who could be deputed to supervise these Bhantus. I am not going to disclose the secrets of the Finance Committee. In fact I cannot. But I do think that in the last few weeks the Government has changed its mind to some extent. I wish the Government could give us the assurance that the man who will be sent to control over the activities of these Bhantus in the Andamans would be a Hindu or a Muhammadan, or that there will be two officers, one Hindu and one Muhammadan. I do not know whether the Bhantus are Muhammadans or Hindus; but this much I know, certainly they are not Christians—at any rate their recent activities are not like those of true Christians.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I sympathize with the point raised by my honourable friend Dr. Ganesh Prasad. I would have been only too glad to secure the services of a Hindu or a Muhammadan police-officer or even any member of the staff, either a Hindu or a Muhammadan to accompany these Bhantus to Andamans. But my difficulty is that nobody is willing to go and live with these Bhantus in the Andamans. This man has volunteered himself and I had to agree to it reluctantly.

Thakur Hanuman Singh : May I know what salary he will get?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : Rs. 200 a month.

Babu Sita Ram : Has it been notified in the papers to that effect?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : If anybody is willing to volunteer his services I am quite ready to take notice of it.

Babu Sita Ram : Is this gentleman of the Salvation Army in Government service ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : He is known to the authorities.

Rai Bahadur Babu Vikramajit Singh : Will the Hon'ble the Home Member write to some religious body ?

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I am quite willing to do so if the honourable member will kindly give particulars.

Rai Bahadur Babu Vikramajit Singh : Certainly.

Dr. Ganesh Prasad : May I just say a few words, Sir ?

The Hon'ble the Present : Yes.

Dr. Ganesh Prasad : After the assurance that has been given by the Hon'ble the Home Member that he would communicate with some of the religious bodies in the United Provinces with the intention of securing the services of either a Hindu or a Muhammadan officer to go with these Bhantus I beg to withdraw my amendment.

The amendment was, by leave of the Council, withdrawn.

The demand, as framed, was put and voted.

Demand No. 6.

HEAD 26.—POLICE.

The Hon'ble Mr. S. P. O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under head 26—Police a sum of Rs. 40 be provided and I move that the sum be voted.

The demand was put and voted.

Demand No. 7.

HEAD 31.—EDUCATION.

The Hon'ble Mr. S. P. O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under head 31.—Education a sum of Rs. 10 be provided and I move that the sum be voted.

The demand was put and voted.

Demand no 8.

HEAD 32.—MEDICAL.

The Hon'ble Mr. S. P. O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under head 32—Medical a sum of Rs. 3,950 be provided and I move that the sum be voted.

Thakur Manjit Singh Rathor : I wish to move that the demand under head 32—Medical be reduced by Rs. 10. Sir, my object in putting this motion before this House is to bring a question which has been in the public mind in certain parts of this province for some time. Probably the House is aware that in the month of August in Mussoorie there has been a tragic incident. I refer to the death of Dr. Lubeck, the Health Officer of the City Board of Mussoorie.

The Hon'ble the President disallowed the motion as it did not come under the particular items of the demand under head 32—Medical. The demand was put and voted.

Demand No. 9.

HEAD 35—INDUSTRIES.

The Hon'ble Mr. S. P. O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under head 35—Industries a sum of Rs. 370 be provided and I move that the sum be voted.

The demand was put and voted.

Demand No. 10.

HEAD 41—CIVIL WORKS—PUBLIC WORKS.

The Hon'ble Mr. S. P. O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under the head "Civil Works—Public Works" a sum of Rs. 4,10,020 be provided and I ask that that sum be voted."

Babu Sangam Lal : I beg to move that the demand for Rs. 30,000 under "Mirzapur pontoon bridge" be omitted. In September last the Government wanted to transfer Rs. 60,000 to another purpose, i.e., for the building of a road near Manumanganj. I moved the reduction and the Government accepted it and they assured the Council that the matter would be referred to the District and Municipal Boards of Allahabad and that if they agreed then the proposal would not be given effect to and the pontoon bridge would be maintained. I have read in the papers that the matter was referred to the two boards and that they have made their recommendations, but I do not know what action has been taken on them.

I made another suggestion then that, as the Government was spending about Rs. 30,000 every year over the maintenance of the pontoon bridge which provided traffic only for about six months, they should try to have a permanent roadway over the Izat bridge and that for this purpose they should correspond with the authorities of the Bengal and North-Western Railway. I think that if the Government use their influence they would be able to induce that company to have a roadway over the Izat bridge. Government can guarantee interest of 6 per cent. and part of that interest could come out of those Rs. 30,000, and they can levy a toll. If the suggestion is given effect to, the Government will be saving about Rs. 30,000 a year and they will provide a permanent roadway both for pedestrians and for vehicular traffic.

The third point to which I want to draw the attention is that first of all the Government did not want to have a pontoon bridge at all and wanted to transfer the whole amount of Rs. 60,000. Now they propose to transfer Rs. 30,000 out of this. They say that as they cannot transfer the pontoons from Allahabad to Mirzapur they will make new pontoons there. Now, if the House had accepted their proposal to transfer the amount of Rs. 60,000 for the metalling of the road, would they have transferred pontoons from Allahabad to Mirzapur?

If a satisfactory reply is coming forward to my questions I will withdraw my motion.

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : As my friend, the honourable mover is aware, the recommendations that were received from the Municipal Board and the District Board were of a conflicting nature. One of them was of opinion that there should be a bridge at Jhusi and the other said that it was not necessary. However, in deference to the views of the honourable members of this House, especially the representative of Allahabad, we have dropped that proposal and we mean to maintain a bridge at Jhusi.

The other point that has been raised by my honourable friend is about a roadway on the railway bridge. We had some negotiations with the company about having a footpath on it, not a roadway, and they asked eight lakhs of rupees for it. On account of financial stringency we could not accept the proposal. If, however, the Government find that the honourable members of this House are keen on having a footpath and they provide the necessary money, we would be able to arrange for it. As to a roadway the technical advisers of the Government are of opinion that the bridge is not strong enough and safe enough.

The last question that was raised by my honourable friend was about the transfer of the pontcons to Mirzapur. The position at Mirzapur is that the river is widened and we must provide for a longer bridge. However this transfer will not in any way starve the Jhusi bridge and the work there will be provided for.

I hope this explanation will satisfy the honourable mover.

Babu Sangam Lal : In view of the announcements made by the Hon'ble Minister I wish to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

Babu Mohan Lal Saksena : I beg to move that under head 41—Civil Works—Public Works, the demand be reduced by Rs. 10,000.

My object in moving this reduction is to bring to the notice of the Council as well as of the Hon'ble Minister the exceedingly bad condition of the Public Works department roads in the city of Lucknow. These roads are many in number and cover a mileage of about eight miles. They form the principal arteries of traffic in Lucknow. Of these, LaTouche Road, Station Road, Canning Road, the Mall, and Strand Road are important ones. There are several others no doubt, but I have mentioned the more important of them. In reply to a question of mine on the subject yesterday the Hon'ble Minister said that as soon as funds were available, he would have those roads reconstructed. He added that in his opinion re-surfacing with kankar, had proved unsuccessful owing to the heavy traffic the roads have to carry, and so next time he would give stone boulder foundations and stone macadam treated with tar. Sir, it will perhaps not look proper for a layman like myself to offer any suggestions on such a technical subject as road-making; but being in charge of the Public Works department in the Municipal Board of Lucknow, I have had an opportunity of studying the highly technical problem of road-making, and I shall therefore take the liberty to make a few suggestions to the Hon'ble

(Babu Mohan Lal Saksena.)

Minister and the Chief Engineer. Of late we have been in correspondence with the three corporations of Calcutta, Bombay, and Madras on the subject of road-making, and we are informed that bitumen bound roads have proved by far the most successful of all roads. This is the case at any rate in Bombay. With regard to the question of cost, I shall speak later. Only the other day the Hon'ble Minister informed us that seven furlongs of the Strand and Mall Roads had been retmetalled so far, and that this also had not been fully completed, as tar spraying and gritting had still to be done over more than half the area. Now, I submit that the method of retmetalling is a very obsolete one. It has been tried both in England and in India and has proved a failure. I say this on the authority of an expert engineer, with whom I had a talk the other day. In the circumstances I would request the Hon'ble Minister to frame a definite programme of work in respect of the Public Works department roads at Lucknow. The material with which they are to be surfaced should be carefully selected with special reference to the local conditions. If retmetalling had not been resorted to, in a haphazard manner, and repairs had been done in a more systematic manner the repairs to roads would have been completed by now.

Now, I turn to the question of cost for re-surfacing the roads with bitumen. In Bombay the road in front of the Post Office has been re-surfaced with bitumen, and it has lasted for at least ten years. The cost is also comparatively less. If the Mall Road, for instance, had been re-surfaced with bitumen, it would not have cost Government more than Rs. 59,280, and if the whole of the Strand Road had been re-surfaced in the same manner, the cost would have come to Rs. 1,37,924. So if the Government had tried bitumen for re-surfacing, two roads would have been completed at a cost of less than two lakhs, and the life of each of them could have been guaranteed for ten years at least.

Before, however, I sit down I shall make an appeal to the Hon'ble Minister to address himself to the task of repairs of these roads as early as possible. At present the roads being in the heart of the city, the municipal board is getting a bad name for them, and is being blamed, for no fault of its own, not only by the people of Lucknow but also by visitors and sightseers that come to this great city of Lucknow.

The Hon'ble Lt. Nawab Muhammad Ahmad Sa'id Khan : I wish to thank the honourable mover most heartily for his very useful and instructive suggestions. I am aware of the miserable condition of the roads in Lucknow, as well as in many other cities and big towns. Now, we are only receiving about 66 per cent. of what we ought to have been given for the maintenance and repairs of roads, and this is one of the reasons why the condition of roads is so bad. The other reason is that the present roads were not meant for heavy motor lorries and cars, with the result that they cannot stand the strain on them. We have got a scheme in hand which will not only solve the problem of Lucknow roads but of all the big towns. We propose that all those roads which are within the approach of big towns should be treated under a special system so that they may be able to stand the heavy traffic of motor lorries and motor cars. As to the technical points that have been raised by my honourable friend the mover in his speech, the Chief Engineer will give a reply.

Mr. A. C. Verrières : The honourable member has made some remarks about the relative merits of the different kinds of surfacing for metalled roads. I may say that we have been considering this matter very carefully of late. We have come to the conclusion that there are three alternatives before us—but we have considered eight or ten. The first is tar-spraying, which really is obsolete. It, however, allays dust and preserves the road surface to a certain extent and has been tried with great success in Lahore. We sent an Executive Engineer to Lahore the other day to see exactly what they were doing there. We find that tar-spraying is excellent for light traffic roads. It has the merit of cheapness in initial cost. We used the system of tar-spraying in Hazratganj simply because the traffic there was light, though intense. If it is not a success, we will still have the foundation, which is most expensive part of the reconstruction, and we can very easily convert the road into a bitumen-bound road at any time. This bitumen bound surface is the type suggested by Messrs. Lane-Brown and Hewlett.

The second alternative is bitumen grouting. This, as I have said before, is suggested by Messrs. Lane-Brown and Hewlett. We are also thinking of converting certain roads into bitumen-bound roads, i. e. where the traffic is very heavy. As a third alternative we have another system, I refer to surfacing with ferro-concrete or cement-concrete without reinforcement. These are the alternatives which we are considering, and I have already written to the Institute of Civil Engineers regarding the merits of these systems. I believe concrete surfaces have been tried in England with great success. They cost very little in upkeep. There is one trouble however about the concrete surface, and that is this. It may be a success in England and in many other places, but in India the case is different. It has been said that in certain places in this country it has failed because of the excessive variation in temperature. I propose to make some experiments with this material and will observe how it lasts. I may tell the honourable member that the whole matter is under consideration and we have referred the case to experts. Indeed I hear that in London a committee has lately been sitting to consider the relative merits of the different methods of surfacing roads. I have written to the Secretary of the Institute of Civil Engineers to let me have the results of their findings. I want to assure the honourable member that the matter is under consideration and I shall give the more careful consideration to the whole case before adopting any particular system of treatment for our important roads.

Mr. Mohan Lal Saksena : In view of the statement made by the Hon'ble Minister and the Chief Engineer I beg to withdraw my motion.

The motion was, by leave of the Council, withdrawn.

The demand, as framed, was put and voted.

The Council here adjourned for lunch.

After the adjournment, the Deputy President took the Chair.

Demand No. 11.

HEAD 41—CIVIL WORKS—GRANTS-IN-AID.

The Hon'ble Mr. S. P. O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under Head 41—Civil Works—Grants-in-aid a sum of Rs. 13,027 be provided and to move that this sum be voted.

Babu Sangam Lal : I beg to move that the demand under "(b)—new dispensary at Jaunpur" be omitted.

The note which has been supplied to us on the different items of supplementary estimates says that in the year 1914 it was decided to erect a new dispensary at Jaunpur and to convert the old dispensary building into a kotwali. It was also decided that the Police department, that is, the Government, would pay to the district board Rs. 45,000 as the price of this building. It was also decided that Rs. 29,200 were to be given as a grant for the purpose of building that dispensary. The note further shows that since then no action was taken by the District Board of Jaunpur and Government proceeded to build the dispensary after the War. It is now about five years now when the War was over and I take it that the construction of the building commenced in the year 1919. We are now at the end of the year 1924. Five years have elapsed. Of course the process of construction must have been very slow, otherwise a building costing Rs. 50,000 should have been built in five or six months or in not more than one year. The first thing that strikes us is that Rs. 10,000 has been certified and it is proposed to make a further grant of Rs. 10,000 to the District Board of Jaunpur. We do not know whether this sum of Rs. 10,000 is the price of that building that has been taken for the Police department or is it towards the grant for that dispensary. If it is for the kotwali, I think it should be in the hands of the Hon'ble the Home Member, as it is a reserved subject. If it is a matter of building and public works it should be in the hands of the Hon'ble the Minister, but here we find that it is in the hands of the Minister of Public Health. We do not know how they have managed to put this particular item under this head, because it is not shown whether this is towards the price of the building which was purchased for the kotwali or is a part of the grant for the new dispensary. I think it is one of the many instances where dyarchy has broken down, as is claimed by us, and I hope that some explanation would be forthcoming. I think it would have been the case of sending the file to one member who would have said that it did not concern him and then it was sent to another. I remember a case in the matter of waqf when it happened that at first it was thought that the matter concerned the Hon'ble the Home Member and then later on it was discovered that it was the Minister who dealt with it. I want some information on this point.

Then, Sir, another thing that strikes us is this, that five years have passed and the necessity was felt in the month of October last and after October we are asked to make a further grant of Rs. 10,000. We cannot discuss the certificate; we are precluded from doing so by rules, but we can certainly discuss the sum of ten thousand which is demanded from us and which we are asked to sanction. Is it that the District Board of Jaunpur never asked for that money or is it that the Government, though it had made a promise, never fulfilled that promise? If the district board wanted money, it must have asked for that money before the year 1924 and this item should have been included in last year's budget. Since then two supplementary estimates have come before us and have been sanctioned by us, one on the 1st April immediately after we had passed the budget and the second in the month of September. Since no explanation is forthcoming, I think some light will be thrown by the Government on this point.

The other point is that the necessity has suddenly arisen and we find that the work cannot go on unless this sum of ten thousand is given to the district board. I too have been for some time on the municipal board and I know that no municipal board or local body is so poor or bankrupt that it cannot continue a work which was started five years ago for even one month more or that it could not wait for three months more. I submit that this is not fair way of treating this Council. First of all it is the duty of the Government, when they accepted the resolution of Pandit Gokaran Nath Misra on the 1st April, 1921, to have a meeting in October, in November and in December, and when before that the Government had made an announcement that there would be an autumn session of the Council, to carry it out.

The Deputy President : The honourable member must confine himself to the motion.

Babu Sangam Lal : When we are not summoned here and things are done behind our backs and we are faced with a settled fact, I submit that that is not a very fair way of treating the members of this Council. The number of meetings has been decreasing from year to year and this is a very serious grievance of ours. I have no objection so far as the payment of this amount is concerned, because the Government owes this money to the board and it has got to pay it. Our grievance is that the Government has mismanaged the whole affair and treated us not very courteously or not very fairly. If I am satisfied on this point then I will not stand in the way of the District Board of Jaunpur.

The Hon'ble Mr. S. P. O'Donnell : I merely wish to deal with one point. It is said in the note that "in order that the work of constructing the new building may be carried on without stoppage, His Excellency the Governor authorized, under the provisions of section 72D (2) (b) of the Government of India Act, an immediate grant of Rs. 10,000 to the district board." The necessity for certification arose owing to a mistake made by the department over which I preside and for which I must therefore take responsibility. It had been proposed to put up a supplementary estimate for this money before the Council in September. The Finance department mistakenly decided that the matter was not very urgent and therefore we did not present a supplementary estimate then. All through the year it has been our policy not to put up too many supplementary estimates until we know what the financial position is. Then suddenly after the termination of the September meeting the Public Works department informed us that the district board required the money immediately and that if they did not get it, the work would stop and the contractor would ask for damages. That was the only reason why this amount of ten thousand rupees did not come before the Council in the shape of a supplementary demand in September.

Mr. E. A. H. Blunt : The honourable member has blamed Government for making a mess of this business. As a matter of fact the Hon'ble the Finance Member has already pleaded guilty to "making a mess of it" so far as this supplementary estimate is concerned, but I plead not guilty as far as the rest of the business is concerned. What happened was that as far back as 1914, a decision was taken as described in the note. The district board then got their grant of Rs. 29,200. They could not start work, however, because of the War; and it was in 1920 that they at last wrote and said that they were prepared to get

[Mr. E. A. H. Blunt.]

on with the work, and that the Rs. 45,000 which we had promised should be paid. At the same time they had got a very large sum of their own—forty-five thousand only was a part of the cost of building—and not being particularly well off at the time and having remained not particularly well off for several years afterwards, we arranged that they should spend their own money first, and delayed payment of the sum that we owed till they had done so. They had a lakh and twenty thousand of their own to spend on this project. This year we were asked to pay our dues; but we thought at first that the dues could wait a bit longer. Then we were suddenly told, as the Hon'ble the Finance Member has explained, that unless the money was paid at once, the work must stop, and it would then be necessary to pay the contractor compensation. That was the reason why Rs. 10,000 had to be certified, as a result of the mess to which I have referred, and why we want another Rs. 10,000 now. This Rs. 20,000 is a part of the Rs. 45,000. There is nothing new about it; it is simply a part of what we ought to have paid, of what has been due from us on a promise which goes back to 1914 on paper and to about 1921 in actual fact. If this sum is refused, it will not hurt the Government but it will hurt the Jaunpur District Board. I do hope that for the sake of the district board the honourable member will withdraw his motion.

The Hon'ble Rai Rajeshwar Bali : I can add nothing to what has just been said by the Finance Secretary and the Hon'ble the Finance Member. As has been explained by Mr. Blunt, the Government gave an undertaking to the District Board of Jaunpur to pay Rs. 45,000 for this building; that undertaking was given in 1914. As they did not need the money, they did not press for it so long. It is only lately that they asked for the money. It was passed by the Finance Committee in July; it could not be included in the supplementary estimates of September, as has already been explained to the honourable members. In October it was suddenly found out that if that money was not given to the district board, they would have to compensate the contractor and the work would have to be stopped. It was for this reason that a grant of Rs. 10,000 was certified by His Excellency at that time. Now, this is another Rs. 10,000 that is being asked from the Council as part of the total sum of Rs. 45,000. If this is passed, we will have given them Rs. 20,000 and Rs. 25,000 will remain, which we will ask for in the budget. As it is the district board which will be mainly hit by the refusal of this demand, I hope the honourable member will find it possible to withdraw his motion.

Babu Sangam Lal : No light has been thrown on the point whether this is a transferred or reserved subject. It has been admitted . . .

Mr. E. A. H. Blunt : We treat it as belonging to the Medical department—it was so treated from the beginning of the project.

Babu Sangam Lal : I have not been convinced by the explanation given by Mr. Blunt, because the Hon'ble the Minister says that this Rs. 10,000 is part of the price of the buildings which were taken for the kotwali. If so, it should go under the head Police—I do not know how it comes under this head. If a grant had been made for the dispensary, then certainly it should go under that head. I would like to be corrected if I am wrong.

Mr. E. A. H. Blunt : All I can say is that the Police department refused to have anything to do with it. It has always been treated as a transferred subject. Honestly, it is a little difficult to say which is right—it really belongs to both.

Babu Sangam Lal : I am glad to hear Mr. Blunt say that there is a policy of transferring all subjects. I would like to see the Hon'ble the Home Member become Minister and also Finance Member. The other point why the certificate of His Excellency was taken. With all due deference to the Government benches I must submit that they have been very unfair.

The Deputy President : The conduct of the Governor cannot be discussed in the Council.

Babu Sangam Lal : If Government had not discussed that part, then I would not have had to discuss it.

The Deputy President : That cannot be discussed in the Council.

Babu Sangam Lal : I withdraw the motion.

With the leave of the Council, the motion was withdrawn.

The demand, as framed, was put and voted.

Demand No. 12.

HEAD 47—MISCELLANEOUS.

The Hon'ble Mr. S. P. O'Donnell : I rise to report to the Council the recommendation of His Excellency the Governor that under head Miscellaneous a sum of Rs. 5,000 be provided, and I move that this sum be voted.

The demand was put and voted.

Demand No. 13.

HEAD 60—CIVIL WORKS OUTLAY NOT MET FROM REVENUE.

The Hon'ble Mr. S. P. O'Donnell : I rise to report to the Council the recommendation of His Excellency the Governor that under head Civil Works, Outlay not met from Revenue, a sum of Rs. 20 be provided, and I move that this sum be voted.

Pandit Hargovind Pant : I beg to move, Sir, "that the demand of Rs. 20 be reduced by Re. 1."

Although as a Swarajist member I wish sincerely for the immediate establishment of swaraj, yet I wish to assure this House that I have no intention of declaring republican form of government in Kumaun at the coming Bhageshwar fair and begin by blocking the approaches to Almora at the Khairna bridge. My object in bringing this motion before the House is to invite the attention of the Government to certain grievances with regard to this particular road between Khairna and Ranikhet. This road is being repaired for some time back near Ranikhet, and as a result of it a portion of it has been blocked for three or four months. Usually all motor vehicles coming from Kathgodam to Almora have to pass *via* Ranikhet, and they had, till recently, been

[Pandit Hargovind Pant.]

using the shortest route called the Upper Mall, and the military authorities had so far never stood in the way of these people using this Military Chord road. All of a sudden this year when the Public Works department began to repair the alternative branch of their road, the military authorities also blocked the other way and the public is being put to great inconvenience on account of that. People going by motor vehicles are stranded about two miles away from Ranikhet town, and they have to attempt the difficult task of transporting themselves and their luggage. I sent in certain questions which I was given to understand would be tabled this morning. The questions were—"Is it a fact that all motor vehicles, running between Kathgodam and Almora, had till recently been passing through the upper Mall Road at Ranikhet at present called the Military Chord Road?"

"Have the military authorities closed the aforesaid road to all private lorries except those of the Naini Tal Motor Transport Company."

"Is the Government aware that this closing of the road had caused great inconvenience to the travelling public?" I have so far been unable to get answers to these questions. So my object in moving this motion is to invite the attention of the Public Works department and to insist on an early removal of the inconvenience to the public. It appears from the explanations that have been given that the military authorities have been made to contribute some money towards the repairs of this particular road. During certain discussions in the Cantonment Board of Ranikhet, of which I happen to be the vice-president the military authorities gave it out that their main objection to the use of the Military Chord road was mainly on account of the Public Works department not contributing anything towards the annual repairs of this road. As this road is used by nearly all travellers and is very convenient, even more convenient than the alternative Public Works department road now being repaired, it is necessary that the Public Works department should come to some arrangement with the military authorities on this point. The inconvenience to the public is admitted even by the military authorities, and for the information of the House I may say that two resolutions have been accepted in the board itself to the effect that this Military Chord Road might be utilized by the public until the other road is repaired. But unfortunately the higher military authorities have not seen their way to accede to the resolution of the Cantonment Board. Under these circumstances at least for the convenience of travellers it is necessary that early steps be taken in the matter, as the closing of the military road is not only inconvenient to the public but also is causing a heavy loss to private lorry-owners there. A sort of preference has been shown to the Naini Tal Motor Transport Co., which is a concern of the British India Corporation, I suppose. By reason of this particular road being blocked these private companies are being put to unnecessary restrictions and loss.

Connected with this question is the question of the construction of the Khairna-Almora cart-road for which a promise had been made long ago by the Government, and I am given to understand that even surveys had been made, but that project has not yet been taken up. My object is to bring to the attention of the Government all these three things, and

I expect some satisfactory settlement of these questions at an early date.

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan : The honourable mover in his speech has informed the House that there is a certain road on which the military authorities do not allow heavy lorry traffic. As honourable members of this House are aware, this Government has nothing to do with the military, but as to the suggestion that has been made by the honourable mover that we may ask them to accept some contribution from us and allow us the use of that road, Government is prepared to consider it.

The amendment was put and negatived.

The demand, as framed, was then put and voted.

DEMANDS FOR EXPENDITURE MET FROM THE FAMINE INSURANCE GRANTS.

The Hon'ble Mr. S. P. O'Donnell : Sir, I beg to report to the Council the recommendation of His Excellency the Governor that under heads XIII and 15(1) a sum of Rs. 10 be provided and I move that that sum be voted.

The demand was put and voted.

SUPPLEMENTARY ESTIMATES. 2ND INSTALMENT.

The Hon'ble Mr. S. P. O'Donnell : I beg to report to the Council the recommendation of His Excellency the Governor that under head Police (original demand No. 9) a sum of Rs. 50,000 be provided, and I move that the sum be voted.

The demand was put and voted.

THE OUDH ESTATES BILL :

The Hon'ble Mr. S. P. O'Donnell : I beg to present the report of the Select Committee on the Bill further to amend the Oudh Estates Act, 1869.

THE PRESIDENT'S SALARY BILL.

The Hon'ble Mr. S. P. O'Donnell : I beg to introduce a Bill to provide for the salary of the President elected by the Legislative Council of the Governor of the United Provinces of Agra and Oudh. As the Council is aware, by section 72 C of the Government of India Act it is enacted that after the expiration of the tenure of office of the President of the Legislative Council appointed by the Governor, the President shall be a member of the Legislative Council elected by the Council and approved by the Governor. Under section 72C (5) it is further enacted that the elected President shall receive such salary as may be determined by an Act of the local Legislature. This Bill is introduced for the purpose of fixing the salary of the President. The salary proposed in the Bill is Rs. 3,000 per month, but of course it rests with the Council to decide what the salary shall be.

The Hon'ble Mr. S. P. O'Donnell: I beg to propose that the Bill to provide for the salary of the President elected by the Legislative Council of the Governor of the United Provinces of Agra and Oudh be referred to a Select Committee composed of the following members:—

1. Lieutenant Nawab Jamshed Ali Khan,
2. Nawab Muhammad Yusuf,
3. Khan Bahadur Mr. Muhammad Ismail,
4. Dr. Jai Karan Nath Misra,
5. Pandit Govind Ballabh Pant,
6. Sir Thomas Smith,
7. Rai Bahadur Babu Vikramajit Singh,
8. Rai Bahadur Babu Shankar Dayal,
9. Raja Jagannath Baksh Singh,
10. Rai Amba Prasad Sahib, and
11. The Legal Remembrancer to Government.

Mr. H. O. Desanges: I beg to oppose the proposal to refer this Bill to a Select Committee. This House has always stood for economy. Not only has this Council stood for economy, but it has preached it. The Bill that is before this House only contemplates the passing of a Bill and this House is only concerned with the fixing of a certain figure. Whether it be Rs. 3,000 or any other figure we have simply to vote on that. This Bill has not any technique about it no legalities about it. It is a Bill of a few sections; This Bill does not raise any policy. As against that the large number of people that will be attending the Select Committee either at Lucknow or at Allahabad will certainly draw travelling allowances which alone will mean something like Rs. 3,000. Is it commensurate with this Bill which has nothing of else but the fixing of a certain figure to spend all this money? Does it need the appointment of such a large committee? Does it need the expenditure of Rs. 3,000 to have this Select Committee? On these grounds I oppose this proposal. Because, whatever the Select Committee may decide or recommend, being a personal matter, the House will have its say, and the matter may be left to the House.

Babu Sangam Lal: My grievance is that this Bill has been brought very late. It ought to have been brought before the Council in September last as they did in the Bombay Council. The Government of India Act says that the Governor will appoint the first President and after that the Council will have the right of electing a non-official as its President. If the Council is in session then, the first President will continue until that time. Sir, the first Council met in January, 1921. In about a fortnight...

The Hon'ble Mr. S. P. O'Donnell: On a point of order, Sir. How does this arise? The motion before the House is simply that the Bill be referred to a Select Committee.

At this stage the Hon'ble the President resumed the Chair.

The Hon'ble the President: As I was not present when Babu Sangam Lal made his speech I would like to hear his point again.

Babu Sangam Lal: I simply wanted to say that the Bill should have been introduced in September last as was done in the Bombay Legislative Council, because the Government of India Act lays down that the first

official President shall be appointed by the Governor for a period of four years and after that the Council has been given the right to elect its President from among the members of the Council. If this Bill had been brought before the Council in September last and then referred to a Select Committee, by this time we would have had the assent of His Excellency the Governor and we would have been in a position to elect our President by the end of January. As it stands, if it is referred to a Select Committee now it will take some months for the Select Committee to report on it and then we shall discuss it and pass it. It shall then go to the Governor. This means that we shall not be able to elect our non-official President till August or September, as after March we shall have no session.

The Hon'ble President: I think that the point raised is a perfectly reasonable one and is quite in order. If the Government wishes to explain its objection to the procedure proposed it can do so.

Babu Sangam Lal: After what I have submitted to you, Sir, in reply to your question I need not say anything more on that point. I only express the hope that the Government will enable us to elect our non-official President at the earliest possible moment and prorogue the Council by the end of this month. Then, Sir, the other point that I want to mention is that the Government has provided a salary of Rs. 3,000. I do not want to discuss the principle underlying it, but I take it to mean that we should have a whole-time President whose services will be required throughout the year. The analogy has been taken from the House of Commons. There they meet almost throughout the year and there are two Deputy Presidents, besides the President; but here we meet only for a few days. Last year we met for 35 days and this year, including today, we have met for 41 days. Now, for 41 days' sitting we do not require a whole-time President, and I think, considering that a part-time President would be sufficient, a lesser salary would be enough. Having regard to our financial position, the salary of our President should not be so large. When we want money for development departments, we are always faced with the argument that Government has no money. It has been pointed out several times that our province is most backward in the matter of education. We have to economize as much as we can. I think that the salary might be treated as a honorarium and not salary in its true sense as the work will not be so heavy. I think there are honourable members in this House who can give sufficient time to this work and would be quite willing to do it. We are already giving our time to the Council and only a little more time will be required for this additional work. I would therefore say that a salary of Rs. 1,000 should be quite sufficient for the President. We have got landed magnates and very rich people and surely they do not want Rs. 2,000 or Rs. 3,000. We always called the liberals reforms profiteers, and now we must prove to the public that we have come here to work and not to profit. I think the Select Committee will take these remarks into consideration.

Mr. Masud-uz-Zaman: I support Mr. Dasanges' motion that the Bill be not referred to the Select Committee as proposed. I think that under rule 71(a) the Government could put the Bill before the Council straight off for consideration, as there was no necessity whatsoever for the matter to go to the Select Committee.

[Mr. Masud-uz-Zaman.]

The next submission that I want to make before the House is that the change of President has been rendered necessary under the Government of India Act, and now that we are going to elect our own President there is a splendid opportunity for us to show a sense of patriotism and public-spirited men ought to come forward to work almost honorarily for such a high position. When the Reforms were introduced many public men came forward to take up the highest appointments, but when the question of Ministers' salary was being discussed it was said that their pay should not be a penny less than that of the Executive Councillors because their prestige would suffer. Today there is no question of prestige, because there is no rival post of President. The future President will not be required as a whole-time man throughout the year and we must take this point into consideration in fixing his salary. Further, the salary should not be such as to make everybody rush after the post. Rs. 3,000 is certainly a pay which will tempt many people to take up the job not for patriotic reasons but for the sake of personal gain. I therefore suggest that a salary between Rs. 1,000 and Rs. 500 should be fixed according to the wishes of the House.

Thakur Hanuman Singh : I have no desire to make any long speech. I only wish to suggest that instead of the Bill being referred to the Select Committee, it had better be taken into consideration at the next session of the Council. In this manner a good deal of unnecessary expenditure will be avoided and the object will be achieved without any delay.

Raja Shambhu Dayal spoke in Urdu. He opposed the motion for the reference of the Bill to the Select Committee on the ground of economy.

Pandit Govind Ballabh Pant : I rise to a point of order. If the present motion for referring the Bill to the Select Committee is defeated, will it be possible for a member of this Council to request you to suspend the rules and to allow the consideration of the Bill at this session ?

The Hon'ble the President : If the member-in-charge withdraws the present motion and moves for the consideration of the Bill at this meeting, and if the House has no objection, I think it is within the competence of the House to take up at once a motion for consideration of the Bill instead of the motion for reference of the Bill to a Select Committee.

At the same time I should like to make one observation and it is this. One honourable member has suggested that a honorarium should be given to the President. Another has said that in fixing the salary of the President, due regard should be paid to the fact that he will not be a whole-time officer. Now, changes like these cannot be easily considered in the Council. They will involve a certain amount of drafting, and for that reason it is hardly possible to take up the motion for the consideration of the Bill immediately. It appears to me it is impossible for honourable members across the floor of the House to proceed instantly with the re-drafting of the section relating to the salary of the President. I am therefore of opinion that it would be to the advantage of the Council if the Bill be referred to the Select Committee.

The Hon'ble Mr. S. P. O'Donnell : One honourable member suggested that the Council should be prorogued at an early date. On that point I can say nothing. It is not a question for me nor for the Government : it rests entirely with His Excellency the Governor. Another honourable member has suggested that the Bill should not be referred to a Select Committee. In proposing a reference to a Select Committee we have followed the procedure adopted in other provinces. In Bombay and the Punjab similar Bills have been referred to Select Committees. I do not know whether honourable members have read the reports of those committees.

Pandit Govind Ballabh Pant : Not in Madras.

The Hon'ble Mr. S. P. O'Donnell : I do not know what happened in Madras. But in Bombay and the Punjab the Bills were referred to Select Committees, and their proceedings show that there are important questions to be discussed ; for example, there is the point raised by Mr. Sangam Lal, whether the President should be a whole-time officer of the Council or whether he should be a part-time officer, or whether he should get a salary or a honorarium ; there is also the question of the exact amount of salary. It seems to me that the discussion of all these points in the Council at the present moment is not possible. The usual course in a case of this sort is to refer to a Select Committee. I must say that the opposition to the reference has come as a surprise to me. As a rule the Council objects to being rushed in matters of legislation and prefers that Bills should go to Select Committees.

The motion was put and adopted.

QUESTION OF BREACH OF PRIVILEGE.

Raja Jagannath Bakhsh Singh : I beg your permission to draw the attention of this House to a breach of privilege on the part of the editor of the *Leader*. In the *Leader* of today's date, the honourable members would have seen, there is an editorial article under the heading "No explanation." It refers to a discussion which took place the other day in this House in regard to certain resolutions that were submitted to you, Sir, for discussion in this House on the Muzaffarnagar incident.

Pandit Govind Ballabh Pant : I rise to a point of order. Before we proceed further I beg to submit that many of us have not yet read the article and we have just got some inkling as to what is there. I would like to raise the question whether it is open to this House to discuss anything that may be alleged anywhere in respect of any act done by the President or any member of this House however trivial it may be. It is not a question relating to the conduct of a member of the House, but it is a matter relating to something done by a private individual who is not subject to the disciplinary jurisdiction of this House. Whether the remarks are just or unjust, proper or improper, that is a different thing. The first point to which I wish to draw your attention, Sir, is, whether it is open to any member of this House to bring in a question like this on the floor of the House without notice of any motion or any resolution ? If it is so, whether it should be confined only to the Hon'ble the President ? If anything is said or done by any officer or any individual which reflects on the

[Pandit Govind Ballabh Pant.]

character or on the conduct of any member of this House in respect of his conduct in this House. I ask whether it will be open to the members of this House to raise that point in this House or whether, except in very special circumstances, whether it relates to the Hon'ble the President or to any other person, one should not seek the ordinary remedy by means of contradiction in the Press or a suit for defamation or whatever other course may be open under the law. My submission is whether the motion is in order.

Dr. Ganesh Prasad : Before you move, Sir, I have here the standing orders which lay down that resolutions regarding matters of general importance can be moved in this House and that, with your permission, notice of 15 days need not be given. As a matter of fact on a certain occasion, that is on the 6th of September, 1924, my honourable friend to my right, with your permission, brought forward a motion. Therefore I submit that this is a question which has so to say agitated most of us. I felt very much about this particular matter and I would request you, Sir, before you give a ruling, to take into consideration that many of us wish that they should be allowed an opportunity to have their say on this particular question.

The Hon'ble the President : I am in some embarrassment, as the matter referred to is something which relates to the President's conduct. It has been the invariable custom of all the parliamentary institutions—a custom started many centuries ago in the House of Commons—that a question of privilege has precedence over all other questions : it requires no notice, requires no preliminary procedure whatever. It could be brought up at any time in any debate. If it is a question of upholding the dignity of a parliamentary institution, the members of that Parliament have always considered it to be a matter of such urgency that it has precedence over all other debates. It is a custom established in the House of Commons that a member need give no notice in a matter of breach of privilege, so that the honourable member is undoubtedly right in raising it on the first opportunity.

As to another point which Pandit Govind Ballabh has made, it is not for me to decide whether it would be more suitable and more expedient for a member of this House to undertake legal action or whether the House itself to take up the matter. It is true that the Councils in this country have no disciplinary powers. They have none, and probably they will have none for many years to come. It is, therefore, a question whether in these circumstances when they have no disciplinary powers, it is worth while to bring such motions before the Council. That is a matter for the House to consider. It is their business ; their own dignity is in their own keeping. As far as the motion is concerned, breach of privilege is a matter which can be brought up at any time, whether the House wishes that motion to go through or not, that is their business.

Mr. Mukandi Lal : I rise to a point of order. There has been a precedent recently in the Madras Council. I think the Madras Council did take some steps against the paper called *Swaraj*. The one point that I wish to raise is, that it is within the power of this Council to take cognisance and take such steps as are within our power inside the Council ?

The Hon'ble the President : There can be no question whatever that it is open to the House to take action for breach of privilege against the person who is responsible for the breach or the supposed breach. The point that I wished to emphasize was that we have no disciplinary powers. We cannot summon a person who is responsible for breach of privilege; we cannot bring him to the bar of this House. These pleasant things can be done in other countries, but the House can call attention to the offence. Of that, there can be no doubt whatever.

Raja Jagannath Bakhsh Singh : I am glad, Sir, that under your ruling I am permitted to continue what I had begun. I was going to bring before the House the argument already raised by an honourable member sitting here, but that matter has already been decided and I should now come to my subject.

Before I deal with it, I should like to say something about its urgency. It is a matter of urgent importance because the Council is expected to adjourn after today's debate and we do not know when we will next assemble. The matter certainly deserves the attention of the House, and so it can only be raised today and at this time as it has appeared only in today's paper. I have already said that the subject is certain resolutions on Muzaffarnagar incidents which were disallowed. It has already been noted in this article; the commentator himself has also mentioned that the resolutions were sent up by a large number of honourable members. The honourable members are aware that an honourable member from the Opposition party, I mean Babu Sangam Lal, raised this point.

Babu Mohan Lal Saksena : On a point of order.

Will the honourable member first move his motion before resuming his speech?

The Hon'ble the President : I do not myself know what the exact motion is.

Raja Jagannath Bakhsh Singh : I am not bound to do so under the rules. I think I can move the motion after making a detailed speech. I was just saying that this point was discussed threadbare in this House. An honourable member from Allahabad raised this point about your ruling on this question; the honourable members who had sent up similar resolutions were present here; they too discussed it; but I do not think anybody challenged your subsequent ruling which you gave in reply to the objection raised here.

Now, the point I want to raise is in regard to breach of privilege. Commenting on that point the editorial article says that "the fact that the President could advance no convincing reasons for his action and that he put forward almost absurd arguments in support of it leads us to think that he was not a free agent in the matter." This is a serious breach of privilege on the part of the editor, which I bring to the notice of this House. He had no reason, he had no business, to make such absurd surmises as he did, viz., that the President was not a free agent in giving a decision. The honourable members know that the editor of the *Leader* is a distinguished journalist and an ex-Minister of this Government and should therefore be presumed to know the bounds of fair criticism. It is therefore all the more reasonable that such an objectionable statement appearing in his paper should not go unnoticed by

[Raja Jagannath Bakhsh Singh.]

this House. I have every regard for the opinion of the Press, but at the same time we do not desire that aspersions should be made in such irresponsible manner on such distinguished personages as the President of our Council, particularly the present holder of the post, who has enjoyed our best confidence, our best respect. For the last four years that you have held this office, you, Sir, have enjoyed the best respect from every corner of the House. References have already been made in this House about your impartiality in every matter. That is why, Sir, I beg to bring to the notice of this House that such absurd surmises should be put a stop to.

With this explanation I beg to move the motion that this Council wishes to disapprove of the conduct of the editor of the *Leader* for the unworthy criticism of the President of the Council which appeared in that paper of today's date and which the Council considers a gross breach of privilege.

Raja Muhammad E'jaz Rasul Khan : I strongly support the motion moved by my friend Raja Jagannath Bakhsh Singh. I consider it to be a serious breach of privilege on the part of the editor of the *Leader*. He has absolutely no reason, he has absolutely no business, to make absurd surmises which reflect upon the dignity of the Chair which is occupied by our distinguished and popular President.

Hafiz Hidayat Husain : I desire to associate myself with all that has been said by the two Rajas sitting to my left in this matter. I think the House views with scorn the language that has been employed towards our Hon'ble President in this matter. Not only do we strongly condemn the language employed, but we say that the expressions that the editor has used are such as should not have found a place in any paper that has a claim to be called a public paper. We repudiate what has been written and we promise to you, Sir, that not only has your action been warmly approved by us but that our most unstinted support is with you in all that you have spoken from that Chair.

Dr. Ganesh Prasad : I approach this motion in a dispassionate mood. I have not the slightest wish to say one word against the editor of the *Leader* unless that word is justified. I remember, Sir, that when this question of your disallowance of Rai Bahadur Lala Sita Ram's motion about the conduct of a certain District Magistrate came up, you were pleased to give a fairly full explanation of the reasons which prompted you in not permitting it to be placed on the agenda. I can repeat almost word by word what fell from your lips, but I wish to give only a summary of what you said in order to prove that the attack made on you by the editor of the *Leader* is unjust. I will come next to the question—how it is absolutely unworthy, and then to the question of privilege. The attack is unjust, Sir, because being the President of this House you have under the Standing Orders absolute right to disallow a motion if it does not appear to you to be of general public importance. It is for you to decide whether a particular matter is of general importance or not. It is very likely that in the opinion of some member the question whether a particular road in a distant corner of these provinces should be metalled or not is a matter of public importance, but it is possible that in your opinion it is not so. Therefore we should not

allow any attack on the President in a matter that is left entirely to his discretion. But, Sir, you did not simply disallow the motion and leave the matter there. I remember that you explained that the question of the conduct of the District Magistrate could be taken up in connection with a resolution which stood in the name of Pandit Brijnandan Prasad Misra on that day's agenda. It was open to this House to find an opportunity then for a full discussion of that matter, but this House did not consider the matter to be of such importance as to make time for its discussion. I am quite sure that if the distinguished editor of the *Leader* had been a member of this House and had been present on that day he would himself have realized the absolute justice of this ruling on your part for the disallowance of the motion. I come next to the question of the unworthiness of the attack. All of us here occupy worthy positions in our public lives—I think most of us claim to be fairly worthy citizens of these provinces. You preside over us and therefore your position is certainly the highest of all. As a matter of fact it is a very good tradition that when the Hon'ble the President enters this House every man, whatever be his position outside this House, does rise in order to show honour to him. Therefore I say that this attack couched as it is in contemptuous language, is absolutely unworthy of one who was a member of this House and who cannot pretend to be ignorant of parliamentary traditions. I come to the third question. I have said frequently, Sir, that I am not a lawyer. I do know, however, that this House has no disciplinary powers, but I do maintain Sir, that although we have no disciplinary powers we should consider this attack to be a breach of privilege and we should make it absolutely clear that we have nothing but condemnation for the conduct of the editor of the *Leader* and that although he may be at liberty to attack men here and there, he should not be allowed to say one word against the character of the President of this Hon'ble House.

Rai Bahadur Lala Sita Ram : I skipped hurriedly through a part of this offending article yesterday and it was only a stir in the whispering galleries while coming into the Chamber after lunch today that made me inquire, and I was told that there was a surprise in store for us. A question of breach of privilege has been raised, and I fear, along with it, as sometimes happens on such occasions, the issues have been confused. The question of confidence in the present occupant of the Presidential Chair has been raised. I say, and with emphasis—with all the emphasis at my command—that the question of confidence in the present occupant of the Chair does not arise at all. If it were to arise at all I would proclaim it from the housetops that everyone of us, official and non-official, has absolute confidence in the integrity and impartiality of the Hon'ble Mr. Michael Keane who is presiding over the deliberations of this House. I fear also that to a certain extent the personality, of the distinguished journalist, and as has been said by Raja Jagannath Bakhsh Singh, an ex-Minister of this Council, has been made something to do with this matter. That need not have been brought into the question at all. I deprecate, I emphatically deprecate, I strongly deprecate, all mention of personality of an editor for whom I for one have great respect. We do not know whether it was he—I mean Mr. C. Y. Chintamani—who wrote this article. For the matter of that it may have been written by an assistant

[Rai Bahadur Lala Sita Ram.]

editor or a sub-editor. We do not know whether the editor has any information of it, or whether Mr. Chintamani was even present when this article was produced. So that to bring the personality of the editor into the question was hardly right, fair, or proper. We should talk of the matter in an absolutely impersonal and dispassionate manner. I admit, Sir, the offending passage read out by Raja Jagannath Bakhsh Singh in the leading article should have been differently worded. The gentleman who was penning those lines had no business whatever to attribute motives to the President of this House. I admit that. I admit that he need not have gone into surmises or into guesses or conjectures of the President not being a free agent. I have been a member of this House for the last four years and I know that, so far as our present President is concerned, he is an absolutely free and unfettered agent. But we are not judging the editor at all; we are judging the merits of the question. The dignity of the President, the dignity of the House, is our own dignity. I wish Raja Jagannath Bakhsh Singh had simply mentioned the matter and left it there. After all we are public men, and we and public officers are daily criticized by the papers inside the whether the Council or outside it—it is our lot from day to day to meet criticism of the public Press. Are we going to take notice of every article, every thing that appears against us in the public Press? Once we begin to do that where will we stop? My friend to the right Rai Jagdish Prasad Sahib, was subjected to humiliation and ill treatment which ought to be resented by every member of the House. No opportunity was given to us even to discuss that ruling. I do not like your ruling, Sir; I think it would have been better to have allowed that resolution to be discussed. I have my dissatisfaction, but under the Standing Orders I am precluded from discussing it. It was an official act and done in an official capacity. The public papers have every business to note on it so long as that note is in good faith. I have conceded and I concede it again that that particular sentence in that article should not have been allowed, should not have been written, but beyond that, if it is a question of privilege we have mentioned the matter and that ought to be enough. I say again that if it is a question of confidence, no one in this House can say that we have no confidence in the integrity, the honesty, the impartiality, and the absolute freedom of our President. I refuse to believe that whatever may have been influencing the mind of the President, whatever may have been working in his mind, that it could possibly have been anything external which actuated him in disallowing the resolution. I will say again, Sir, that it would have been better if you had permitted us to discuss that resolution in this House so that we might give expression to our feelings as regards the conduct of a particular magistrate. But having said all that and having also admitted that that particular sentence could have been, or should have been, couched in different language, I think we ought to leave the matter at that and not pursue it further. By saying this we quite protect the dignity of the Chair. After all, what can you do, Sir? Supposing the *Leader* or any other paper writes again criticizing this Council tomorrow, what can you do? What disciplinary action are you going to take? Perhaps the only action you can take is to shut it out of the waiting-room and library. If the article is defamatory, it is open to everyone of us here to challenge that in a court of law. We

need not pursue the matter further. I may say once for all that the dignity of the Chair is our dignity and we ought to do everything in our power to protect that dignity; but in protecting that dignity we should not go beyond our legitimate power: it is not fair and right. I hope I shall not be misunderstood in what I have said. I have spoken plainly and frankly.

The Hon'ble Mr. S. P. O'Donnell: In the article in question it is suggested that you, Sir, in giving your ruling were not a free agent. The meaning of that suggestion is clear. It is that pressure was brought to bear upon you by the Government. I wish to say that no communication of any kind was made by the Government to the President in connection with this resolution. We received in the ordinary course notice of the resolution. We took no action of any kind; we awaited the next communication, and the next communication was to the effect that the President had disallowed the resolution. That is all.

The Hon'ble the President: The matter has been discussed at considerable length and it is for members to decide whether they wish the motion to be put to the House or not. There seems to be some slight difference of opinion in regard to the sentence quoted. I have now been given the paper containing the article and I have seen the particular sentence, and I must say the insinuation seems to be beyond the bounds of reasonable criticism. If it is the wish of the House that the motion should be put, I will do so.

Several honourable members: "Yes, yes."

The motion was put and adopted.

THE UNITED PROVINCES OPIUM SMOKING BILL.

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: I beg to introduce a Bill to provide for the control of the practice of opium smoking in the United Provinces.

I beg to move that the Bill to provide for the control of the practice of opium smoking in the United Provinces be referred to a Select Committee. In referring this Bill.—

The Hon'ble the President: The Select Committee consisting of ?

The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan: If you will permit me, Sir, I shall give the names after making my speech.

In referring this Bill to the Select Committee I need not deliver a very lengthy speech, because it is such an innocent measure. Not only is it innocent, but it is so beneficial a measure that I strongly hope it will get the support of every party in this House. The Bill is meant ultimately to eradicate the evil of *chandu* smoking. The condition of these unfortunate persons who are the victims of this bad habit is such that I can only say that they do exist but they can hardly be said to live. If we come across any of them in the bye-lanes, from their very faces we can find out that they are so different from other human beings and their existence can rightly be called as an existence of suspended animation. As far as the principle is concerned, I think there can possibly be no difference of opinion. As for the details, the Bill is going before the Select Committee on which

[The Hon'ble Lieut. Nawab Muhammad Ahmad Sa'id Khan.]

every party is very strongly represented and I hope any difference with regard to details will be settled there. Now, I wish to announce the names of the members of the Select Committee. As the number given in the paper is thirteen, which I do not like, I wish to make some changes and increase this number. My friend Pandit Govind Ballabh Pant has refused to serve on this Committee and therefore I wish to make a few changes in the names:—The names are—

1. Mr. H. David,
 2. Rai Jagdish Prasad Sahib,
 3. Lala Mathura Prasad Mehrotra,
 4. Rai Bahadur Babu Ramnath Bhargava,
 5. Lieut. Raja Durga Narayan Singh,
 6. Mr. Muhammad Aslam Saifi,
 7. Dr. Shafa'at Ahmad Khan,
 8. Mr. Masud-uz-Zaman,
 9. Nawab Muhammad Yusuf,
 10. Pandit Nanik Chand,
 11. Pandit Bhagwat Narayan Bhargava,
 12. Pandit Brijjuandan Prasad Misra,
 13. Babu Bhagwati Sahai Bedar,
 14. The Raja Sahib of Salimpur,
 15. The Legal Remembrancer to Government, and
 16. The Finance Secretary to Government.
- The motion was put and adopted.

THE OUDH COURTS BILL.

The Hon'ble Raja Sir Muhammad Ali Muhammad Khan : I beg to present the report of the Select Committee on the Oudh Chief Court Bill, 1924.

I may suggest for the convenience of the members of this Council that it may be taken up for discussion and final passage in the next meeting of the Council.

The Council was then adjourned *sine die*.

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